

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

**REVISED MEMORANDUM IN SUPPORT OF [DKT. #209] MOTION BY
DEFENDANTS FOR SUMMARY JUDGMENT AS TO INDIVIDUAL
AND CLASS BASED CLAIMS BY PLAINTIFF, LATOYA BROWN**

COME NOW Defendants, Madison County, Mississippi, and Sheriff Randall C. Tucker, in his official capacity, by and through counsel, and respectfully submit the following Memorandum in Support of their Motion for Summary Judgment as to Individual and Class Based Claims by Plaintiff, Latoya Brown.

INTRODUCTION

The instant class-action lawsuit was filed on May 8, 2017, by ten plaintiffs. The Complaint is 86 pages long and contains 337 paragraphs. Brown claims violations of her Fourth and Fourteenth Amendment rights by personnel of the Madison County Sheriff's Department ("MCSD") under 42 U.S.C. §1983 and intentional racial discrimination under Title VI of the Civil Rights Act of 1964. She sues on behalf of herself and a purported class of individuals she defines as:

People who (1) are, or who appear to be, Black and those in their company, and (2) were, are, or will be in Madison County, and (3) were, are, or will be, subject to the MCSD's policy, custom, and/or practice of systematically executing unreasonable searches and seizures of person, homes, cars, and property on the basis of race."

Brown seeks only injunctive and declaratory relief from Defendants. (#1, Pgs. 82-85).

STATEMENT OF THE FACTS

Before filing her lawsuit, Brown lived in Canton Estates, an apartment complex located in Madison County, for approximately three and one-half years with Plaintiff, Steven Smith.¹ Brown and Smith moved to Columbus, Georgia in July 2017 to provide a better life for Brown's children.² Brown now works for a chicken processing plant located in Alabama. She has enrolled her nine-year old daughter in a Georgia school and has applied for a Georgia driver's license.³

While living in Canton Estates, Brown recalls three times she asked the MCSD for help. Once, she reported that Smith had taken her PlayStation and choked her. MCSD deputies came to the scene and spoke with her about her options for charging Smith.⁴ She also reported that individuals were gambling near her apartment. MCSD deputies responded to her call and began patrolling in the complex.⁵ Finally, she reported hearing gun shots in the complex. MCSD deputies responded, found a shotgun in the grass near her apartment, and patrolled the complex.⁶

¹ Exhibit A, Pg. 12:3-4.

² Exhibit A, Pg. 9:6-8; Pg. 11:20-21; Pg. 12:13-17.

³ Exhibit A, Pg. 9:18-25; Pg. 10:1-4.

⁴ Exhibit A, Pg. 27:8-25; Pg. 28:1-8.

⁵ Exhibit A, Pg. 30:4-25; Pg. 31:1-16.

⁶ Exhibit A, Pg. 31:17-25; Pg. 32:1-25; Pg. 33:1-8.

Brown testified during her deposition that she appreciated the deputies' response each time she called,⁷ and expressed no problems with MCSD deputies patrolling Canton Estates.⁸

Brown testified that she believed most roadblocks or checkpoints conducted by the MCSD occurred in Black areas rather than White areas of Madison County. She bases this belief on the fact that she had observed five checkpoints in her predominately Black neighborhood while she lived in Canton Estates and one checkpoint on a highway on which, in her opinion, Blacks travel in order to go to work.⁹

Brown testified that she filed her lawsuit to get "better policing" by the MCSD regarding "excessive roadblocks," "warrantless searches," and "pedestrian stops."¹⁰ She described her experiences with each of these policing activities as follows:

A. Roadblocks or Safety Checkpoints

Brown has never applied for a Mississippi driver's license and, as a result, received two tickets for having no license while driving through two MCSD safety checkpoints.¹¹ She has traveled through three MCSD checkpoints as a passenger and been asked to provide her identification.¹² She testified that she complied with each request and, afterwards, was either told to "go away,"¹³ was "let go"¹⁴ or was allowed to walk home after the driver of the car in which she was a passenger was ticketed for not having a license.¹⁵ She received no tickets, was not searched, and was not arrested during any of these checkpoints.

⁷ Exhibit A, Pg. 28:5-8; Pg. 31:14-16; Pg. 33:7-8.

⁸ Exhibit A, Pg. 52:10-12, 20-25; Pg. 53:1.

⁹ Exhibit A, Pg. 79:23-25; Pg. 80-84:1-18.

¹⁰ Exhibit A, Pg. 43:13-25.

¹¹ Exhibit A, Pg. 10:20-25; Pg. 11:1-7; Pg. 18:14-16; Pg. 45:7-25; Pg. 46.

¹² Exhibit A, Pg. 49; Pg. 50:1-16.

¹³ Exhibit A, Pg. 49:10-13.

¹⁴ Exhibit A, *Id.*

B. Warrantless Searches

Brown claims that MCSD deputies conducted a “warrantless search” of her apartment on Halloween Night, 2015 soon after a birthday party she had given for her young nephew. She recalls the deputies’ knocking on her apartment door and telling Smith that they were looking for a missing child whose mother lived in the apartment complex. Brown testified that the deputies entered her apartment, looked in closets, shined their flashlights in her youngest child’s face, and left to search the remaining apartments in her building, walking up and down the stairs and going door to door.¹⁶

C. Pedestrian Stops or Checkpoints

1. Pedestrian Stops

Brown describes two incidents when she was approached by MCSD deputies performing foot patrols in Canton Estates and asked to show her identification. One incident occurred while she was standing in the bed of her step-father’s pickup truck. The other occurred around 11:00 p.m. while she was walking to the entrance of Canton Estates to meet a ride to take her to work.¹⁷ Brown did not refuse the deputies’ request and confirmed in her deposition that nothing else occurred during either of these incidents after the deputies checked her identification with dispatch.¹⁸ She also admits that neither of these incidents occurred because of her race.¹⁹

2. Pedestrian Checkpoints

Brown testified that she had walked through two MCSD vehicle safety checkpoints while living in Canton Estates.²⁰ At the first checkpoint, she did not have her identification

¹⁵ Exhibit A, Pg. 50:1-8.

¹⁶ Exhibit A, Pg. 54:13-25; Pg. 55; Pg. 56:1-17.

¹⁷ Exhibit A, Pg. 53:9-25; Pg. 54:1-12; Pg. 50:17-25; Pg. 51:1-25.

¹⁸ Exhibit A, Pg. 51; Pg. 54:7-12.

¹⁹ Exhibit A, Pg. 56:21-25; Pg. 57:17-19.

information, but gave the deputy her Social Security number, and was then allowed walked through. At the second checkpoint, she showed the deputy her identification, heard him check her identification on his walkie-talkie, and then was allowed to walk through.²¹ When asked why she thought Blacks were treated differently than Whites in Madison County, Brown limited her testimony to MCSD checkpoints,²² and claimed that most of the checkpoints she had seen were set up in Black area.²³

ARGUMENT AND AUTHORITIES

The party moving for summary judgment bears the responsibility of providing the court with the basis of its motion and identifying the portions of the record in the case that establish the absence of a genuine issue of material fact. *Celotex Corporation v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has properly supported his motion for summary judgment, the non-moving party must respond by setting forth “specific facts showing that there is a genuine issue for trial.” *Id.* at 324; *see also United Steel Workers, Etc. v. University of Alabama*, 599 F.2d 56 (5th Cir.1979). “The moving party bears the initial burden of showing that there is no genuine issue for trial; it may do so by pointing out the absence of evidence supporting the nonmoving party’s case.” *Duffy v. Leading Edge Products, Inc.*, 44 F.3d 308, 312 (5th Cir. 1995) (citation omitted) (internal quotations omitted). If the moving party meets its burden, “the nonmoving party who will have the burden of proof at trial must come forward with summary judgment evidence establishing the existence of a genuine issue; that evidence must be such that if introduced at trial it would suffice to prevent a directed verdict against the nonmovant.” *Id.*

²⁰ Exhibit A, Pg. 74:19-25; Pg. 75; Pg. 76; Pg. 77:23-25; Pg. 78; Pg. 79:1-13.

²¹ Exhibit A, Pg. 75:10-25; Pg. 76:1-9.

²² Exhibit A, Pg. 82:7-12.

²³ Exhibit A, Pg. 79:23-25; Pg. 80:1-8.

Brown's claims must be dismissed for two separate reasons. First, there is no evidence Sheriff Tucker has ever deprived her of any federal rights. Second, even if she could prove violations in the past, there is no likelihood she will be subjected to similar violations in the future, rendering injunctive relief unavailable.

A. Brown Cannot Establish That She Has Been Subjected to Intentional Racial Discrimination.

Although Brown in her testimony describes a series of encounters with the MCSD, the heart of her complaint is not a succession of incidents, but a supposed policy of racial discrimination. The very first paragraph of her complaint alleges that the MCSD "implements a **coordinated top-down program** of methodically targeting Black individuals for suspicionless searches and seizures while they are driving their cars, walking in their neighborhoods, or even just spending time in their own homes (the "Policing Program")." [Dkt. #1 ¶ 1 (emphasis in original)]. This claim of intentional racial discrimination is the only basis in her complaint for her request to represent a class, describing the common issue as "whether the MCSD has a policy, practice, and/or custom of targeting members of the Class for unreasonable searches and seizures on the basis of race in violation of the Fourth Amendment and the Equal Protection Clause of the Fourteenth Amendment." [Dkt. #1 ¶ 304]. To obtain the only relief she seeks, which is on behalf of the class, Brown must prove, not merely a violation of her rights, but the existence of the "Policing Program" that she alleged.

She asserts her claims of intentional racial discrimination in the second and third causes of action of her complaint. The second cause of action seeks relief under 42 U.S.C. § 1983 for violations of the Equal Protection Clause, which, of course, requires proof of intentional racial discrimination. *Coleman v. Houston Independent School District*, 113 F.3d 528, 533 (5th Cir. 1997) (citations omitted). *See also Vera v. Tue*, 73 F.3d 604, 609 (5th Cir.1996) ("Proof of

racially discriminatory intent or purpose is required to show a violation of the Equal Protection Clause.”) Her third cause of action seeks relief under Title VI, 42 U.S.C. § 2000(d) *et seq.*, under which Brown, as a private party, must prove race discrimination by an entity that receives federal funds. *Alexander v. Sandoval*, 532 U.S. 276, 280 (2001). She cannot succeed with this claim simply by proving disparate impact. *Id.* Further, both the United States Supreme Court and the Fifth Circuit Court of Appeals have held that a private right of action under Title VI can only be brought for acts of intentional discrimination. *Id.* at 281 (“What we said in *Alexander v. Choate*, 469 U.S. 287, 293 (1985), is true today, ‘Title VI itself directly reaches only instances of intentional discrimination.’”)

The only racial discrimination claim Brown describes in her deposition involves the MCSD’s conducting roadblocks or checkpoints in predominately Black neighborhoods.²⁴ She bases this claim solely on her observing checkpoints during the three and one-half years she lived in Canton Estates. She saw five of these checkpoints while walking through her neighborhood, which is a predominately Black neighborhood, and one checkpoint set up on a highway on which, in her opinion, Blacks travel in order to go to work. Brown’s allegation is actually nothing more than an assertion that the roadblocks she questions were racially motivated because they were in predominately Black areas. She in no way offers any evidence that Black areas were intentionally targeted.

This unreliable and sparse evidence is insufficient to support Brown’s claims of a “Policing Program” of intentional racial discrimination by the MCSD throughout all of Madison

²⁴ Although Brown claimed in both her complaint [Dkt. #1 ¶ 4] and during her deposition that the MCSD has a policy of targeting only Black neighborhoods while conducting checkpoints, she does not include this policy while identifying and describing all MCSD policies she claims sanction or encourage “unreasonable searches and seizures or racial discrimination” while supplementing her responses to an interrogatory inquiring about these policies. Therefore, it appears that she has abandoned this claim. (Exhibit B, Pgs. 3-6).

County. “A plaintiff’s subjective belief of race discrimination cannot alone establish that he has been a victim of intentional discrimination.” *Laborde v. City of Houston*, 31 F. App’x 151 (5th Cir. 2001) (citing *Ray v. Tandem Computers, Inc.*, 63 F.3d 429, 434- 435 (5th Cir. 1995)). *See also Nichols v. Grocer*, 138 F.3d 563, 570 (5th Cir. 1998) (“[A] subjective belief of discrimination, however genuine, [cannot] be the basis of judicial relief.”). What Brown offers is her subjective belief that MCSD checkpoints are set up with the aim of intentionally discriminating against Blacks. Without more, Brown cannot establish that MCSD checkpoints are placed or operate in such a manner as to intentionally discriminate against Blacks. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (“In short, conclusory allegations, speculation, and unsubstantiated assertions are inadequate to satisfy the nonmovant’s burden.”) (en banc). Brown’s second and third causes of action, therefore, should be dismissed.

B. Brown Cannot Create Genuine Issues of Material Fact Regarding Any Element of her Fourth Amendment Claims under 42 U.S.C. §1983.

To hold Madison County liable to her under §1983 in her first cause of action, Brown must allege and establish two threshold elements: (1) that she was deprived of a right or interest secured by the Constitution and laws of the United States, and (2) that the deprivation occurred under color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988) (citing *Parratt v. Taylor*, 451 U.S. 527, 535 (1981)), overruled in part on other grounds, *Daniels v. Williams*, 474 U.S. 327, 331-32 (1986). Defendants submit that Brown cannot satisfy the first element of this test because no act by any MCSD personnel violated her constitutional rights.²⁵

²⁵ In addition, to secure relief against the County and Sheriff Tucker in his official capacity, Brown “must demonstrate a policy or custom which caused the alleged violation.” *Brooks v. George County*, 84 F.3d 157, 165 (5th Cir.), cert. denied, 519 U.S. 948 (1996). No evidence of any such policy exists, but the Court need not reach that issue, because no evidence of any violation of constitutional rights exists.

Brown's §1983 claims against Defendants arise out of the following events: (1) three safety checkpoints conducted by the MCSD where Brown was asked to show her identification as a passenger in a vehicle; (2) an alleged warrantless entry into her apartment by deputies looking for a missing child; (3) two instances where Brown was approached by MCSD deputies and asked for her identification while in the parking lot of her apartment complex; (4) and two vehicle safety checkpoints where Brown was asked for her identification while voluntarily walking through them. A review of the law applicable to these alleged constitutional violations shows that Brown has no §1983 claim against Defendants.

First, Brown suffered no constitutional violation when she was asked to show her identification while traveling through a MCSD checkpoint as a passenger. In *United States v. Wise*, 877 F.3d 209, 220 (5th Cir. 2017), the Court held that ““a seizure does not occur simply because a police officer approaches an individual and asks a few questions.”” (quoting *Florida v. Bostick*, 501 U.S. 429, 434 (1991)). The individual in *Wise* was a passenger on a bus who was approached by officers and consented to their request to show them his identification and to allow them to search his luggage. The Court held that “police do not need reasonable suspicion to approach someone for questioning;” instead, “[t]he encounter will not trigger Fourth Amendment scrutiny unless it loses its consensual nature.”” (quoting *Bostick*, 501 U.S. at 434). The *Wise* court held that “an encounter with police is “consensual” so long as the civilian would feel free to either terminate the encounter or disregard the questioning.” *Id.* (citing *Bostick*, 501 U.S. at 434). Brown does not claim that she refused to show her identification to the officers at these checkpoints.²⁶ Therefore, any protection she held at the time under the Fourth Amendment was not triggered.

²⁶ Other courts have applied these principles to passengers in an automobile at a checkpoint where the stop was not unreasonably extended. *United States v. Slater*, 411 F.3d 1003, 1004-05 (8th Cir. 2005).

Second, it is undisputed that the circumstances surrounding the MCSD deputies' entry into Brown's apartment did not involve an investigation of any criminal activity, *i.e.*, they did not enter her apartment to arrest anyone or obtain evidence of a crime. Instead, Brown readily admits that the deputies immediately told her and Smith that they were searching for a missing child who lived at the apartment complex. She also admits that while in her apartment, the deputies only looked in areas where a child could hide and shined a flashlight in the face of Brown's child who apparently was near the missing girl's age. Finally, Brown acknowledges that the deputies were going door to door, walking up and down stairs of her building, and searching other apartments.

These circumstances described by Brown were clearly exigent ones that did not require the MCSD deputies to obtain search warrant. As recognized by the Court in *Mincey v. Arizona*, 437 U.S. 385, 394 (1978), officers may enter a home if "the exigencies of the situation make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment. *Id.* As stated above, the deputies were not conducting a criminal investigation. Rather, they were searching for a missing child and wanted to return her to her mother. Because probable cause was not an issue during their search, their entry into Brown's apartment was not a violation of her Fourth Amendment rights. *See, e.g., U.S. v. Taylor*, 624 F.3d 626, 632-633 (4th Cir. 2010)(officers were not required to obtain a warrant before entering defendant's house with an abandoned four-year old girl to search for her parents); *see also Hunsberger v. Wood*, 570 F.3d 546 (4th Cir. 2009) (exigent circumstances allowed officers to enter a home at night to search for a teenage girl whose parents could not get her to answer her cell phone).

Third, the deputies who had two brief consensual encounters with Brown in her apartment complex parking lot did not violate her Fourth Amendment rights by asking her to show them her identification. The Fifth Circuit Court of Appeals has recognized three different “tiers of citizen-police contact for purposes of [F]ourth [A]mendment analysis:”

The first tier involves no coercion or detention and does not implicate the fourth amendment. The second tier, an investigatory stop, is a brief seizure that must be supported by reasonable suspicion . . . Finally, the third tier is a full scale arrest [which] must be supported by probable cause.

Lincoln v. Turner, 874 F.3d 833, 840 (5th Cir. 2017) (quoting *United States v. Massi*, 761 F.3d 512, 520 (5th Cir. 2014)). Brown’s encounter falls under the first tier, and, as a result, nothing the deputies did while speaking with her constituted a seizure under the Fourth Amendment. *See, e.g., U.S. v. Cooper*, 43 F.3d 140, 145 (5th Cir. 1995) (“[A] “consensual encounter,” during which an individual agrees to speak to officers, “may be initiated by the police without any objective level of suspicion” and is not a “seizure” under the Fourth Amendment).

The same holds true for Brown’s claim that she was asked to show her identification to officers while walking through two vehicle safety checkpoints. Brown obviously consented to walking through both checkpoints since she did not turn around and walk away. Further, the fact that she was asked to show her identification or provide her Social Security number at the checkpoint does not support a claim that she was “seized.” For a seizure to have occurred, Brown must have believed that she could not avoid the checkpoint by walking in another direction. *See, e.g., United States v. Mendenhall*, 446 U.S. 544, 554 (1980) (a seizure occurs only if “in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave . . .”). Unlike someone driving a vehicle through a checkpoint, Brown’s person was not seized during the checkpoints in question because she was free to walk away. She did not testify that she was threatened by the presence of the officers at

the checkpoint, that any of the officers displayed a weapon, that the officers made any physical contact with her or that they used words threatening her with compliance. Without something to indicate that she was not free to walk away from the checkpoint, no seizure or a violation of Brown's Fourth Amendment rights occurred. *See, e.g., Terry v. Ohio*, 392 U.S. 1, 19, n. 16 (1968).

C. Brown Lacks Standing under Article III to Bring Her Own Claims for Injunctive and Declaratory Relief, as well as those of Her Purported Class Members.

The United States Supreme Court has recognized three requirements for Article III standing. First, “the plaintiff must have suffered an ‘injury in fact’ – an invasion of a legally protected interest that is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of Third, it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *United States v. Hays*, 515 U.S. 737, 742-43 (1995) (quoting *Lujan v. Defenders of. Wildlife*, 504 U.S. 555, 560-561 (1992)). Further, because Brown is seeking injunctive and declaratory relief, she must show that she is “likely to suffer future injury by the defendant and that the sought-after relief will prevent that future injury.” *James v. City of Dallas*, 254 F.3d 551, 563 (5th Cir. 2001) *cert. denied*, 534 U.S. 1113 (2002). “Past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (quoting *O’Shea v. Littleton*, 414 U.S. 488, 495-96). Instead, a plaintiff seeking injunctive or declaratory relief “must allege facts from which it appears there is a substantial likelihood that he will suffer injury in the future” *i.e.*, a “substantial and continuing controversy” between two adverse

parties" that is not "conjectural, hypothetical, or contingent . . ." *Bauer v. Texas*, 341 F.3d 352, 358 (5th Cir. 2003).

Brown cannot satisfy any of these Article III standing requirements. She has no individual standing because she has not suffered a violation of her Fourth or Fourteenth Amendment rights. She has proven no private right to sue under Title VI. Finally, she cannot show that she is likely to suffer any injury in the future from any conduct by the MCSD since she no longer resides in Madison County or, for that matter, in the State of Mississippi. Without standing under Article III, Brown cannot "seek [injunctive] relief on behalf of . . . herself or any other member of the [purported] class." *James*, 254 F.3d at 563 (citing *O'Shea*, 414 U.S. at 494). For these reasons, Brown lacks standing to pursue her claims or those of her purported class. Her individual claims should be dismissed with prejudice, and she should be disqualified from representing the class of individuals she seeks to represent in this matter.

CONCLUSION

For the reasons set forth above, all of Brown's claims against Defendants should be dismissed with prejudice.

This the 14th day of March, 2018.

Respectfully submitted:

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

By: /s/ Rebecca B. Cowan
Rebecca B. Cowan (MSB #7735)

OF COUNSEL:
CURRIE JOHNSON & MYERS, P.A.
1044 River Oaks Dr.
Jackson, MS 39232
P.O. Box 750
Jackson, Mississippi 39205-0750
Telephone: 601-969-1010
Facsimile: 601-969-5120
bcowan@curriejohnson.com

Michael B. Wallace (MSB #6904)
Charles E. Ross (MSB #5683)
James E. Graves (MSB #102252)
Charles E. Cowan (MSB #104478)
WISE CARTER CHILD & CARAWAY, P.A.
Post Office Box 651
Jackson, Mississippi 39205-0651
Telephone: 601-968-5534
Facsimile: 601-944-7738
mbw@wisecarter.com
cer@wisecarter.com
jeg@wisecarter.com
cec@wisecarter.com

T. Russell Nobile (MSB #100682)
WISE CARTER CHILD & CARAWAY, P.A.
2510 14th Street, Suite 1125
Gulfport, Mississippi 39501
Telephone: 228-867-7141
Facsimile: 228-867-7142
trn@wisecarter.com

Katie Bryant Snell (MSB #103607)
KATIE BRYANT SNELL, PLLC
P.O. Box 3007
Madison, Mississippi 39130-3007
Telephone: 601-460-9800
katie@katiebryantsnell.com

J. Lawson Hester (MSB #2394)
PETTIS, BARFIELD & HESTER, P.A.
4450 Old Canton Road, Suite 210
Jackson, Mississippi 39211
Telephone: 601-987-5300
Facsimile: 601-987-5353
lhester@pbhfirm.com

CERTIFICATE OF SERVICE

I, Rebecca B. Cowan, do hereby certify that I have this day, electronically filed the above and foregoing with the Clerk of the Court using the ECF system which will automatically provide e-mail notification of said filing upon the following:

Joshua Tom, Esq.
American Civil Liberties Union of Mississippi Foundation
233 E. Capitol Street
Jackson, Mississippi 39201
JTom@aclu-ms.org

Jonathan K. Youngwood, Esq. (*pro hac vice*)
Janet A. Gochman, Esq. (*pro hac vice*)
Isaac Rethy, Esq. (*pro hac vice*)
Nihara K. Choudhri, Esq. (*pro hac vice*)
Brooke Jarrett, Esq. (*pro hac vice*)
Jumin Lee, Esq. (*pro hac vice*)
Christopher K. Shields, Esq. (*pro hac vice*)
Simpson Thatcher & Bartlett, LLP
425 Lexington Avenue
New York, NY 10017
jyoungwood@stblaw.com
jgochman@stblaw.com
irethy@stblaw.com
nchoudhri@stblaw.com
bonnie.jarrett@stblaw.com
christopherjumin.lee@stblaw.com

Ezekiel Edwards, Esq. (*pro hac vice*)
Jeffery Robinson, Esq. (*pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
eedwards@aclu.org
jrobinson@aclu.org

So, certified this the 14th day of March, 2018.

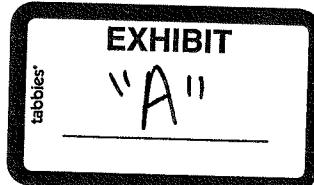
/s/ *Rebecca B. Cowan*

LATOYA BROWN
BROWN, et al. vs MADISON COUNTY, MS, et al.

January 09, 2018
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1	IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION	1 ALSO PRESENT: 2 CHIEF DEPUTY JEREMY WILLIAMS 3
2		
3	LATOYA BROWN; LAWRENCE BLACKMON; HERBERT ANTHONY GREEN; KHADAFY MANNING;	
4	QUINETTA MANNING; MARVIN MCPFIELD; NICHOLAS SINGLETON; STEVEN SMITH;	
5	BESSIE THOMAS; and BETTY JEAN WILLIAMS TUCKER, individually and on behalf of a class of all others similarly situated	
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9	MADISON COUNTY, MISSISSIPPI; SHERIFF RANDALL S. TUCKER,	
10	in his official capacity; and MADISON COUNTY SHERIFF'S DEPUTIES	
11	JOHN DOES #1 through #6, in their individual capacities	
12		DEFENDANTS 13
13	*****	
14	DEPOSITION OF LATOYA BROWN	
15	*****	
16	(APPEARANCES NOTED HEREIN)	
17	TAKEN AT THE OFFICES OF: WISE, CARTER, CHILD & CARAWAY 401 EAST CAPITOL STREET JACKSON, MISSISSIPPI	
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20	TUESDAY, JANUARY 9, 2018 AT APPROXIMATELY 10:59 A.M.	
21		
22	REPORTED BY:	
23	TAMMY MCDANIEL-BAGNATO, #1910	
24		
25		
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1	APPEARANCES:	TABLE OF CONTENTS
2		
3	MIKE WALLACE, ESQ. Wise, Carter, Child & Caraway Post Office Box 651 Jackson, Mississippi 39205-0651	
4	COUNSEL FOR THE DEFENDANTS	
5		
6	REBECCA B. COWAN, ESQ. Currie, Johnson & Myers Post Office Box 750 Jackson, Mississippi 39205-0750 bcowan@curriejohnson.com	
7		
8	COUNSEL FOR THE DEFENDANTS	
9		
10	J. LAWSON HESTER, ESQ. Pettis, Barfield & Hester Post Office Box 16089 Jackson, Mississippi 39236-6089 lhester@pbhfirm.com	
11	COUNSEL FOR THE DEFENDANTS	
12		
13	Isaac Rethy, Esq. Simpson Thacher & Bartlett 425 Lexington Avenue New York, New York 10017 irethy@stblaw.com	
14		
15	COUNSEL FOR THE PLAINTIFFS	
16		
17	BROOKE JARRETT, ESQ. JOSHUA TOM, ESQ. American Civil Liberties Union of Mississippi Foundation 233 East Capitol Street Jackson, Mississippi 39201 jtom@aclu-ms.org	
18		
19	COUNSEL FOR THE PLAINTIFFS	
20		
21		
22		
23		
24		
25		

 **ESQUIRE**
DEPOSITION SOLUTIONS



800.211.DEP0 (3376)
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LATOYA BROWN
 BROWN, et al. vs MADISON COUNTY, MS, et al.

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1	EXHIBITS	1	LATOYA BROWN,
2	No Exhibits Marked.....	2	(After having been first duly sworn,
3	---	3	testified as follows:)
4		4	---
5		5	(DIRECT EXAMINATION)
6		6	BY MS. COWAN:
7		7	Q. Ms. Brown, I've introduced myself.
8		8	I'm Becky Cowan. I'm one of the attorneys
9		9	for the defendants. And I also have Lawson
10		10	Hester and I believe Mr. Mike Wallace is
11		11	going to be coming in pretty soon. This is
12		12	Chief Deputy Jeremy Williams.
13		13	A. Mm-hmm (affirmative response).
14		14	Q. Have you ever given a deposition
15		15	before?
16		16	A. No, ma'am.
17		17	Q. Okay. This -- I'm going to be
18		18	asking you some questions and you've been
19		19	placed under oath. So I want to make sure
20		20	that when I ask a question, that you
21		21	understand the question and answer it so that
22		22	I can be assured that the answer you gave me
23		23	was the correct answer. So if you don't
24		24	understand some of my questions, just tell me
25		25	you don't understand them.
	Page 6		Page 8
1	STIPULATION	1	The court reporter is going to be
2	It is hereby stipulated and agreed by and	2	putting all -- everything that everybody says
3	between the parties hereto, through their respective	3	down. So rather than going uh-huh
4	attorneys of record, that this deposition may be taken	4	(affirmative response) and uh-uh (negative
5	at the time and place hereinbefore set forth, by Tammy	5	response) or shaking your head or this way or
6	McDaniel-Bagnato, Court Reporter and Notary Public.	6	that way, if you could say yes, no, or answer
7	The formality of READING AND SIGNING is	7	the question verbally.
8	specifically NOT WAIVED.	8	Your attorney may make some
9	---	9	objections, but unless he tells you not to
10	(PAGE 84 LINE 24 THROUGH PAGE 85 LINE 6)	10	answer the question, I expect you to answer.
11	"MR. RETHY: We'll take both transcripts for	11	Do you understand that?
12	two weeks to determine whether there's anything in here	12	A. Yes.
13	that warrants designating as confidential.	13	Q. Okay. Okay. And some of the
14	MS. COWAN: On this one?	14	questions that I'm going to ask you I have
15	MR. RETHY: On this one and on Mr. Smith's.	15	already asked Mr. Smith and I probably know
16	I'm not trying to mark anything at this moment."	16	the answers to but I'm going to go ahead and
17	---	17	ask you too.
18		18	A. Mm-hmm (affirmative response).
19		19	Q. All right. Can you give me your
20		20	full name?
21		21	A. Latoya Brown.
22		22	Q. Do you have a middle name?
23		23	A. Yes. Lanae.
24		24	Q. L?
25		25	A. A-N-A-E.

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 9-12

Page 9	Page 11
1 Q. Okay. And do you go by any 2 nickname?	1 A. No. 2 Q. When did you lose your Mississippi 3 license?
3 A. Yes. Nae-Nae.	4 A. I never had them.
4 Q. N-A-E-N-A-E?	5 Q. You never had a Mississippi driver's 6 license?
5 A. Yes.	7 A. No.
6 Q. And are you currently living at [REDACTED] 7 [REDACTED] Columbus, Georgia?	8 Q. Okay. And I believe before y'all 9 moved to Steven's friends or relatives house, 10 or is it a house or an apartment?
8 A. Yes.	11 A. An apartment.
9 Q. And you're living with some friends?	12 Q. You lived at 5521 North Cut Drive?
10 A. Yes.	13 A. Mm-hmm (affirmative response).
11 Q. Okay. Who are your friends that	14 Q. And was that someone -- say yes or 15 no.
12 you're living with?	16 A. Yes.
13 A. They're Steven's relatives.	17 Q. Okay. And that was in College Park, 18 Georgia?
14 Steven's relatives.	19 A. Yes.
15 Q. Okay. And I believe Mr. Smith said 16 that y'all were looking for a place to rent?	20 Q. And you stayed there for two months?
17 A. Yes.	21 A. Yes.
18 Q. And you've enrolled your daughter, 19 8, 9 years old?	22 Q. And that was your brother and his 23 wife?
20 A. She'll be 9 in June.	24 A. Yes, ma'am.
21 Q. And you've enrolled her in the 22 school district?	25 Q. And before that you lived at 388
23 A. Yes.	
24 Q. And I believe he told me that both 25 of y'all have applied for Georgia driver's	
Page 10	Page 12
1 license. Is that correct?	1 Ricks Drive in Canton, Mississippi?
2 A. Yes.	2 A. Yes, ma'am.
3 Q. Have you received yours?	3 Q. And how long did you live there?
4 A. My permit.	4 A. 3 1/2 years.
5 Q. Permit, okay. Do you have to take a 6 test over there? Or do you just get a 7 license because you have one in another 8 state?	5 Q. And the lease that was signed with 6 the apartment complex, was it in your name?
9 A. You have to take a test.	7 A. Yes.
10 Q. Okay. Did you take the test?	8 Q. So Steven's name was not on the 9 lease?
11 A. No, they had switched my permit from	10 A. Yes.
12 Mississippi to Georgia because I misplaced my	11 Q. Both of your names were?
13 Mississippi permit.	12 A. Yes, ma'am.
14 Q. Okay. You misplaced your	13 Q. And why did you move to Georgia?
15 Mississippi license?	14 A. To provide a better life for my 15 kids.
16 A. Permit.	16 Q. Okay. And when did you move?
17 Q. Permit.	17 A. I moved to Georgia July 1st.
18 A. Yes, and they switched it over to	18 Q. July 1st. And what employment have 19 Georgia as a permit too.
20 Q. And they wouldn't just take your	19 you held over there?
21 license?	20 A. I worked at Subway and now I'm at 21 Alatrade Foods.
22 A. No, I didn't -- I didn't have any	22 Q. Subway?
23 license.	23 A. Mm-hmm (affirmative response).
24 Q. You don't have a Mississippi	24 Q. And then --
25 license?	25 A. Yes, ma'am.

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 13-16

	Page 13	Page 15
1	Q. And is it --	1 A. Yes.
2	A. Alatrade.	2 Q. And then you got your GED in 2016?
3	Q. A-L-A-T-R-A-D-E?	3 A. Yes.
4	A. Yes, ma'am.	4 Q. And then you went to a little bit of
5	Q. And it's a chicken processing plant?	5 junior college. Tell me about that.
6	A. Yes, ma'am.	6 A. The junior college thing was the GED
7	Q. Okay. And I believe Steven said	7 program.
8	that you collect data on the kinds of cuts of	8 Q. Oh, okay. You didn't go to actual
9	9 meat?	9 associate --
10	A. Yes. Data collector.	10 A. No.
11	Q. Data collector. And when did you	11 Q. -- college.
12	get a job at Alatrade?	12 A. No, ma'am. It was Win Job Center --
13	A. December 4th.	13 Q. Okay.
14	Q. And I believe that Mr. Smith has a	14 A. -- Holmes Community College.
15	15 job there too?	15 Q. Okay. Have you ever been married
16	A. Yes, ma'am.	16 before?
17	Q. And did he get his job the same time	17 A. No, ma'am.
18	18 you got yours?	18 Q. And are your parents living?
19	A. I started first.	19 A. Yes.
20	Q. When did he start his job? Do you	20 Q. Where do they live?
21	21 remember?	21 A. My mom lives on Walnut Street in
22	A. The week after I did. I think it's	22 Canton and my dad lives at West Peace Street
23	23 like the 10th.	23 in Canton.
24	Q. Of December?	24 Q. And Walnut Street, that's where your
25	A. Yes, ma'am.	25 mom lives?
	Page 14	Page 16
1	Q. And I believe you have two children?	1 A. Walnut, yes.
2	A. Yes.	2 Q. What's your mother's name?
3	Q. And you have a two-year-old with Mr.	3 A. Deborah Hawkins.
4	4 Smith?	4 Q. Is she married?
5	A. Yes.	5 A. No, ma'am.
6	Q. And you have your soon to be	6 Q. Does she work?
7	7 nine-year-old?	7 A. Yes.
8	A. Yes.	8 Q. Where does she work?
9	Q. And who is, her name is [REDACTED]	9 A. Shelby Smith.
10	[REDACTED]	10 Q. Shelby Smith?
11	[REDACTED]	11 A. Mm-hmm (affirmative response).
12	[REDACTED]	12 Q. What is that?
13	[REDACTED]	13 A. She do housekeeping for him.
14	[REDACTED]	14 Q. Okay. What about your dad?
15	[REDACTED]	15 A. He works at PF Chang in Ridgeland.
16	[REDACTED]	16 Q. Okay. Eat there all the time. I
17	[REDACTED]	17 love it.
18	[REDACTED]	18 Q. Okay. When you got out of high
19	19 Q. And where did you grow up?	19 school, tell me what jobs you held
20	A. Canton.	20 immediately out of high school?
21	Q. You grew up in Canton?	21 A. None.
22	A. Yes.	22 Q. None?
23	Q. I asked you about your educational	23 A. No.
24	24 background. 2005 to 2009 you went to Canton	24 Q. Is this the first job you have ever
25	25 High School?	25 had, the Alatrade job? I mean the Subway

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17-20

Page 17	Page 19
1 job?	1 Q. And who drove those cars?
2 A. No, ma'am. I --	2 A. I did.
3 Q. Tell me what your first job was.	3 Q. I believe your job now is in Phoenix
4 A. Working housekeeping at LaQuinta Inn	4 City, Alabama, is that right?
5 in Canton.	5 A. Yes.
6 Q. And when was that?	6 Q. And how far is that from where y'all
7 A. That was in 2010.	7 are staying with Steven's relatives?
8 Q. 2010?	8 A. About 15 to 20 minutes away.
9 A. Mm-hmm (affirmative response).	9 Q. But, as I understand, y'all plan to
10 Q. And how long did you work there?	10 try and stay in Georgia?
11 A. A year and a half.	11 A. Yes.
12 Q. And why did you leave?	12 Q. Do you ever plan to come back this
13 A. Not enough pay.	13 way?
14 Q. Where did you go after that?	14 A. Yes, ma'am.
15 A. I went to Canton Manor in Canton.	15 Q. When do you plan to come back?
16 Q. And Mr. Smith testified that he	16 A. In a couple of years from now.
17 worked there too. Were you there when he was	17 Q. And why would that be?
18 working there?	18 A. Because I still have family here and
19 A. No.	19 I just plan on moving back home.
20 Q. In what year did you work at Canton	20 Q. Have you told your present employer
21 Manor?	21 that, that you don't plan to work more than
22 A. 2012 to 2013.	22 two years with him?
23 Q. Through '13?	23 A. No, I haven't told him.
24 A. Mm-hmm (affirmative response).	24 Q. Okay. Tell me, other than Canton
25 Q. How long? Was it a year?	25 Estates, prior to that, where did you live?
Page 18	Page 20
1 A. Yes.	1 A. With my mom on Walnut.
2 Q. Okay. What did you do?	2 Q. And is that in Canton?
3 A. Laundry aide.	3 A. Yes.
4 Q. And why did you leave there?	4 Q. Do you have any brothers and
5 A. Transportation.	5 sisters?
6 Q. Did you have to rely on people to	6 A. Yes, I have two brothers and two
7 take you to your jobs?	7 more sisters.
8 A. Yes, ma'am.	8 Q. Two brothers and two sisters?
9 Q. Who would take you to your jobs?	9 A. Mm-hmm (affirmative response).
10 A. My mom.	10 Q. Tell me who your brothers are.
11 Q. So did you receive a driver's permit	11 A. Octavius Hawkins, [REDACTED]
12 in the State of Mississippi?	12 [REDACTED]
13 A. Yes.	13 Q. [REDACTED] I don't hear very well, I'm
14 Q. But, you never applied and got a	14 sorry.
15 license?	15 A. That's all right.
16 A. No.	16 Q. I'm fighting not getting a hearing
17 Q. Do you own a car?	17 aide. Octavius, where does he live?
18 A. No.	18 A. He's doing in College Park --
19 Q. Have you ever owned a car?	19 Q. Okay.
20 A. Yes.	20 A. -- Georgia.
21 Q. When did you own a car?	21 Q. All right. And [REDACTED] where does he
22 A. 2014 and 2015.	22 live?
23 Q. What kind of car did you own?	23 A. With my mom on Walnut.
24 A. I owned a Toyota Camry and a Nissan	24 Q. Does he have a job?
25 Altima.	25 A. No, he's 16.

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21-24

Page 21	Page 23
1 Q. All right. Tell me who your sisters 2 are.	1 when you were meeting with them? Just you? 2 A. Just me.
3 A. Karlisha Hawkins, K-A-R-L-I-S-H-A.	3 Q. Mr. Smith was not there?
4 Q. Okay. And where does she live?	4 A. No.
5 A. [REDACTED]	5 Q. Did your lawyer show you any kind of
6 Q. And who's the other sister?	6 documents?
7 A. Adrian Hawkins.	7 A. Yes.
8 Q. Where does she live?	8 Q. What did they show you?
9 A. With my mom on Walnut Street.	9 A. They showed me my interrogatories,
10 Q. How old is she?	10 my complaints.
11 A. She's 25.	11 Q. Your complaint and your
12 Q. Does she have a job?	12 interrogatory responses?
13 A. Yes.	13 A. Mm-hmm (affirmative response).
14 Q. What does she do?	14 Q. Do you recall -- we've gotten three
15 A. She works at the DeBeukelaer Cookie	15 separate interrogatory responses from you.
16 Plant.	16 Do you recall which ones they showed you?
17 Q. And other than Walnut Street with	17 A. No, ma'am, I can't recall.
18 your mom, have you lived anywhere else?	18 Q. Did they show you more than one
19 A. Yes, we was living in Canton Estate	19 version or one copy?
20 before my mom moved to Walnut. I was living	20 A. Yeah.
21 in Canton Estate with my mom at first.	21 Q. How many did they show you?
22 Q. With your mom?	22 A. I can recall two.
23 A. Yes. 388 --	23 Q. Two?
24 Q. How long did you live in Canton	24 A. Yeah.
25 Estates with your mom before you moved to	25 Q. And they showed you the complaint?
Page 22	Page 24
1 Walnut Street?	1 A. Yes, we went -- yes.
2 A. Two and a half years.	2 Q. Did you read the whole complaint?
3 Q. And what years would that have been?	3 A. Yes.
4 A. It would have been 2008 and '09.	4 Q. All the paragraphs?
5 Q. And Walnut Street, you would have	5 A. Just the -- let me see --
6 lived there from 2009 to what?	6 Q. There's one in my briefcase.
7 A. 2010.	7 A. No, ma'am.
8 Q. Are you and Mr. Smith married?	8 Q. I represent to you that the
9 A. No, ma'am.	9 complaint, without exhibits, is 86 pages
10 Q. Are you engaged?	10 long. Did you read the whole entire
11 A. No, ma'am.	11 complaint?
12 Q. Have you ever been engaged?	12 A. No.
13 A. No, ma'am.	13 Q. Did you read -- what portions of the
14 Q. Can you tell me what you did to get	14 complaint did you read, do you remember?
15 ready for your deposition today?	15 A. No.
16 A. I got a lot of sleep.	16 Q. Have you talked to Mr. Smith since
17 Q. Join the club. I did too getting	17 his deposition today?
18 ready for the deposition. Other than losing	18 A. No.
19 sleep what else did you do? Did you meet	19 Q. Did you talk to Mr. Smith before his
20 with anyone?	20 deposition? Did y'all talk about the case
21 A. Yes, I met with my lawyers.	21 outside the presence of your attorneys?
22 Q. Okay. When did you meet with your	22 A. No, ma'am.
23 lawyers?	23 Q. So y'all have never discussed the
24 A. On Saturday.	24 lawsuit together?
25 Q. On Saturday? Was anybody else there	25 A. We did when we first started out,

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25-28

Page 25	Page 27
1 yeah, but not since we've been --	1 Q. Just once?
2 Q. Tell me about that.	2 A. Yes.
3 A. We was just saying, like when he	3 Q. When was that?
4 first got out of jail, I was letting him know	4 A. That was when -- there was some
5 about, you know, the lawsuit that the lawyers	5 gambling going on in front of my apartment.
6 had going on and stuff.	6 Q. Do you recall what year?
7 Q. How did you find out about the	7 A. No, ma'am.
8 lawsuit?	8 Q. Do you recall in May of 2007 calling
9 A. I was staying in Canton Estate at	9 the Madison County Sheriff's Department
10 the time and the lawyers they was canvassing	10 complaining about Mr. Smith taking a
11 through the apartment complex.	11 PlayStation from your apartment and choking
12 Q. And did they come to your apartment?	12 you?
13 A. Yes.	13 A. Yes. I remember calling, but I
14 Q. And they met with you?	14 don't think it was in 2007.
15 A. Yes.	15 Q. 2017?
16 Q. Don't tell me what y'all said but	16 A. Yes.
17 tell me, how long did they meet with you?	17 Q. Okay. Tell me about that.
18 A. No more than about 15 minutes.	18 A. We had got into a argument or
19 Q. Did -- was anybody else there when	19 whatever. And one thing led to another.
20 they met with you?	20 Q. Okay. So that would be a time that
21 A. No, it was just me.	21 you called Canton -- I mean the Madison
22 Q. Mr. Smith wasn't there?	22 County Sheriff's Department for help?
23 A. No.	23 A. Yes.
24 Q. None of your neighbors?	24 Q. And how was that handled?
25 A. No.	25 A. The deputy handled it. He told me
Page 26	Page 28
1 Q. Your mother?	1 that if I press charges and that -- he said
2 A. No.	2 ain't no sense in me pressing charges because
3 Q. No? Okay. After that meeting tell	3 if I'm still going to be with him, I have to
4 me which attorneys met with you that day?	4 pay to drop the charges.
5 A. Jade Morgan.	5 Q. Okay. Were you please with their,
6 Q. Do you know Jade is?	6 the Madison County Sheriff's Departments
7 A. Yes.	7 response?
8 Q. Who is she?	8 A. Yes.
9 A. She works for the ACLU.	9 Q. Did you ever live at Loring Road and
10 Q. And she's the only one that met with	10 Stump Bridge Road in Camden?
11 you?	11 A. No.
12 A. Yes, well he came the second time	12 Q. In April 2007, did you call the
13 with her. (Indicating.)	13 Madison County Sheriff's Department
14 Q. Mr. Tom? All right. Tell me about	14 complaining about some guys walking around
15 the second time?	15 drinking beer and smoking marijuana?
16 A. The second time is when they was --	16 A. No.
17 I was just giving them insight on what goes	17 Q. Are there any other Latoya Brown's
18 on in my neighborhood.	18 that live in Madison County --
19 Q. Do you consider Canton Estates to be	19 A. Yes.
20 a high crime area?	20 Q. -- that you know of?
21 A. No, ma'am.	21 A. Yes.
22 Q. Have you ever called Madison County	22 Q. Yes? Who is that?
23 Sheriff's Department to report about any	23 A. My second cousin.
24 crimes taking place in Canton Estates?	24 Q. And where does she live?
25 A. Once.	25 A. She was living on Stump Bridge Road

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29-32

Page 29	Page 31
1 at the time.	1 show up?
2 Q. Okay. So that may have been your	2 A. Yes. They patrolled the area.
3 second cousin calling?	3 Q. They patrolled it for you?
4 A. Mm-hmm (affirmative response).	4 A. Mm-hmm (affirmative response).
5 THE REPORTER: You have to say yes or	5 Q. And what time of day was this?
6 no.	6 A. This was at night. Around 8:00 or
7 A. Yes, ma'am.	7 9:00.
8 MS. COWAN: I'm missing half of them.	8 Q. And did they tell you they were
9 I'm sorry.	9 going to patrol the area for you?
10 BY MS. COWAN:	10 A. Yes.
11 Q. In November of 2014, did you call	11 Q. Did they ever report back to you?
12 the Madison County Sheriff's Department	12 Did you ever see that happening again?
13 complaining about a suspicious vehicle, Ford	13 A. No, ma'am.
14 Expedition being in Canton Estates?	14 Q. Did you have any complaints about
15 A. No, ma'am.	15 them coming and patrolling the area for you?
16 Q. You don't recall making that call?	16 A. No.
17 A. No, ma'am.	17 Q. Did you ever call to complain about
18 Q. Did your second cousin ever live in	18 people shooting a gun?
19 Canton Estates?	19 A. Yes.
20 A. No. Her sister did.	20 Q. 2011?
21 Q. So if there's a record of your	21 A. Yes. I heard gunshots one night and
22 calling in May -- November of 2014 about a	22 I called them.
23 suspicious vehicle, that would be incorrect?	23 Q. Would that have been in February of
24 MR. RETHY: Object to form.	24 2011?
25 BY MS. COWAN:	25 A. Yes, ma'am.
Page 30	Page 32
1 Q. Did you ever call in 2014 reporting	1 Q. All right. So that's another time
2 a suspicious vehicle in Canton Estates?	2 you called the Sheriff's Department?
3 A. No.	3 A. Mm-hmm (affirmative response).
4 Q. No? And I believe you testified you	4 Q. What'd they do?
5 did call one time about guys gambling?	5 A. Well, they came out and they found
6 A. Yes.	6 guns in the grass.
7 Q. And that would have been, according	7 Q. Tell me about that. How many guns?
8 to our records, June of 2011?	8 A. I only seen one officer pick up one
9 A. Yes.	9 gun.
10 Q. All right. Tell me about that.	10 Q. What time of day was this?
11 A. I was getting off work and I walked	11 A. It was early in the morning when the
12 up and seen them gambling in front of my	12 officers came but the shooting happened at
13 window.	13 night.
14 Q. Did you see people gambling pretty	14 Q. Did the officers come -- excuse me,
15 frequently at Canton Estates?	15 when you called them?
16 A. No.	16 A. Yes, but they didn't see the gun
17 Q. No? Is that the first time you'd	17 hiding in the grass then.
18 ever seen anybody gambling?	18 Q. Did they do anything when they first
19 A. Yes, ma'am.	19 came? Did they go look for people?
20 Q. Okay. So you called --	20 A. No.
21 A. Yes, ma'am.	21 Q. Did they talk to you about it?
22 Q. Pardon?	22 A. No. They didn't come to my house.
23 A. I said "yes, ma'am."	23 I just told them I heard gunshots and they
24 Q. Okay. You called, what happened?	24 just came over to Canton Estates.
25 Did somebody from the Sheriff's Department	25 Q. Okay. So they didn't come to your

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33-36

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1 apartment. They just came -- were in the 2 area. 3 A. Yeah. Around the area. Around my 4 apartment building. 5 Q. Did you see them patrolling? 6 A. Yes. 7 Q. Did you appreciate that? 8 A. Yes. 9 Q. Did you ever find out what the 10 shooting was about? 11 A. No, ma'am. 12 Q. Do you know who had -- where the 13 guns came from, who tossed them in the grass? 14 A. No, ma'am. 15 Q. In 2010, did you call again about 16 some shooting at Canton Estates? Shooting 17 into a building, two groups of guys? One ran 18 into an apartment. Does that ring a bell? 19 A. No, I wasn't staying over there 20 then. 21 Q. Okay. Were you visiting there at 22 that time? 23 A. No. 24 Q. So you don't recall anything about a 25 call to the Sheriff's Department in 2010	1 A. No. No. 2 BY MS. COWAN: 3 Q. Did you call the Madison County 4 Sheriff's Department in 2009 complaining 5 about your mother fighting with you? 6 A. Yes. 7 Q. Okay. That's another one. What was 8 that about? 9 A. Me and her got into an altercation 10 about this boy I was dating. 11 Q. Tell me why. Was she upset about 12 who you were dating? 13 A. Yes. 14 Q. And who was that? 15 A. [REDACTED] dad. 16 Q. Tell me about the fight and what 17 happened. 18 A. Basically, I was hard headed, stayed 19 out late and stuff like that. Just staying 20 out late. 21 Q. Did some deputies respond to the 22 call? 23 A. Yes. 24 Q. And what did they do? 25 A. They came out to the house and then
Page 34	Page 36
1 about guys shooting at each other and running 2 into apartments? 3 A. No. 4 Q. Do you know who Sheila Mack is? 5 A. No. 6 Q. Who's Debra -- Denise Hawkins? 7 A. That's my momma. 8 Q. Do you recall whether or not your 9 mother ever called a Madison County Sheriff's 10 Department complaining about some shooting 11 and maybe some guys running into y'all's 12 apartment or somebody else's apartment at 13 Canton Estates? 14 A. Possibly, yes. 15 Q. Possibly? 16 A. Yes, ma'am. 17 Q. Tell me about it. 18 A. I'm not -- I don't know if she 19 called them or not. 20 Q. Okay. Do you recall the event? 21 A. No. I don't. 22 Q. So you don't recall anybody coming 23 out? 24 A. (Shakes head negatively.) 25 MR. RETHY: Yes or no.	1 me and my boyfriend at the time, we left. 2 Q. Okay. Anything about that -- were 3 you okay with that visit from the deputies? 4 Did they talk to you? 5 A. They did. They mostly were talking 6 to my mom while me and him was just sitting 7 in the car ready to go. 8 Q. Did you hear anything the deputy 9 said to your mother? 10 A. No. I was already outside. 11 Q. All right. I asked you this before 12 and I think I hopefully refreshed your memory 13 somewhat. How many times did you call the 14 Madison County Sheriff's Department while you 15 were living at Canton Estates and asked for 16 any kind of help? 17 A. Twice. 18 Q. Twice? Did you see -- have you 19 observed the Madison County Sheriff's 20 Department patrolling within Canton Estates? 21 A. Yes. 22 Q. Have you ever observed guys with 23 guns in Canton Estates? 24 A. No. 25 Q. No guns.

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1 A. Huh-uh (negative response).	1 A. Only by name.
2 Q. The shooting that we talked about,	2 Q. How do you know him by name?
3 how many times have you experienced somebody	3 A. I know him through Anthony Herbert
4 shooting guns in Canton Estates?	4 Green.
5 A. It was just that once.	5 Q. Anthony Green? How do you know
6 Q. Okay. Prior to this lawsuit, did	6 Anthony Green?
7 you ever meet with anybody with the ACLU? I	7 A. Through Steven.
8 know you told me you met in the apartment	8 Q. Have you talked to Anthony Green
9 and, once or twice, how many times have you	9 about this lawsuit?
10 met with somebody or a group of people	10 A. No.
11 concerning this lawsuit?	11 Q. Has Steven told you anything he
12 A. Twice.	12 talked to Anthony Green about in regard to
13 Q. Okay. And both of them were in your	13 the lawsuit?
14 apartment?	14 A. No, ma'am.
15 A. Yes.	15 Q. When was the last time you saw
16 Q. Did you ever go to any meetings	16 Anthony Green?
17 where the ACLU talked about the lawsuit with	17 A. Before I moved to Georgia.
18 a group of people?	18 Q. Before?
19 A. I went to the press conference.	19 A. I moved to Georgia.
20 Q. You just went to the press	20 Q. All right. When was that?
21 conference?	21 A. At the end of June. The last week
22 A. Yes, ma'am.	22 of June.
23 Q. Did you go to the Canton Library to	23 Q. Tell me about that. Where was he
24 meet with anybody at any point in time?	24 and what did y'all do?
25 A. No, ma'am.	25 A. He was on Martin Luther King at his
Page 38	Page 40
1 Q. What about the LaQuinta Inn?	1 house. And he wanted to see the kids before
2 A. No, ma'am.	2 we moved out of town.
3 Q. Mr. Smith said he was there, did you	3 Q. Why would he want to see the kids?
4 not accompany him there?	4 A. Because he bonded with them.
5 A. I didn't go.	5 Q. And how often did he spend time with
6 Q. You didn't go? Did you hear about	6 the kids?
7 it?	7 A. You know, we was always -- used to
8 A. I heard about it, but I didn't go.	8 just sit around and hang out and talk and
9 Q. And why didn't you go?	9 stuff. And we used to bring our kids
10 A. Because I didn't supposed to go. I	10 together so they could play. And stuff like
11 didn't -- they weren't looking for me to go.	11 that.
12 Q. They weren't looking for you to go?	12 Q. Do you know where he is now?
13 A. No.	13 A. No, ma'am.
14 Q. Who were they looking to go?	14 Q. That was the last time you heard
15 A. They wanted Steven there.	15 from him?
16 Q. They just wanted Steven there?	16 A. Yes, ma'am.
17 A. Mm-hmm (affirmative response).	17 Q. What about Khadafy Manning, do you
18 Q. And did Steven tell you that?	18 know him?
19 A. Yes.	19 A. From the neighborhood in Canton
20 Q. Has there ever been a time when you	20 Estates.
21 went to a meeting where the ACLU was meeting	21 Q. Okay. Have you talked to him about
22 with any of the plaintiffs that are named in	22 this lawsuit?
23 this case?	23 A. No, ma'am.
24 A. No.	24 Q. Have you talked to his wife
25 Q. Do you know Lawrence Blackmon?	25 Quinnetta about the lawsuit?

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1 A. No, ma'am.	1 A. No.	
2 Q. When was the last time you saw Mr.	2 Q. Have you seen her recently?	
3 Manning?	3 A. No.	
4 A. I don't -- I can't -- I don't	4 Q. What about Betty Jean Williams	
5 remember.	5 Tucker, do you know her?	
6 Q. Did you ever -- do you know what Mr.	6 A. No, ma'am.	
7 Manning's claiming in this lawsuit?	7 Q. I may have already asked you this.	
8 A. No.	8 Other than the complaint and some part of it	
9 Q. You don't? You never talked to	9 that you read, and your interrogatory	
10 anybody about what Mr. Manning was claiming	10 answers, did you look at any other documents,	
11 in this lawsuit?	11 any Sheriff's Department documents?	
12 A. No, ma'am.	12 A. No.	
13 Q. What about Mr. Blackmon? Do you	13 Q. Can you tell me why you filed this	
14 know what Mr. Blackmon is claiming in this	14 lawsuit? Why you're a plaintiff?	
15 lawsuit?	15 A. Yes. Because I want better	
16 A. No, ma'am.	16 policing.	
17 Q. Okay. What about Mr. Green?	17 Q. You want better policing?	
18 A. No, ma'am.	18 A. Mm-hmm (affirmative response).	
19 Q. You don't know anything about why	19 Q. Tell me a little bit more about	
20 he's a plaintiff in this lawsuit?	20 that.	
21 A. No.	21 A. The excessive roadblocks. The	
22 Q. You never talked to him about it?	22 excessive roadblocks, like warrantless	
23 A. No, ma'am.	23 searches, pedestrian stops.	
24 Q. Has Mr. Smith ever told you about	24 Q. Anything else?	
25 why Mr. Green's suing?	25 A. No, that's all.	
Page 42		Page 44
1 A. No.	1 Q. Let's talk about your wanting better	
2 Q. You know Marvin McField?	2 roadblocks. Tell me about that.	
3 A. No.	3 MR. RETHY: Object to form.	
4 Q. What about Nick Singleton?	4 MS. COWAN: What's your objection?	
5 A. No.	5 MR. RETHY: She said excessive	
6 Q. You know Rasheed Davis?	6 roadblocks and then you said, "You want	
7 A. No.	7 better roadblocks," which isn't a completely	
8 Q. Bessie Thomas? Quinnetta's mother?	8 accurate characterization of the testimony.	
9 A. Yeah, I know her.	9 MS. COWAN: Okay.	
10 Q. How do you know Bessie Thomas?	10 BY MS. COWAN:	
11 A. She used to make our dancing	11 Q. When you tell me you want better	
12 costumes.	12 policing in regard to roadblocks, what do you	
13 Q. She makes dancing costumes?	13 mean by that?	
14 A. Yes.	14 A. I have noticed that, well I have	
15 Q. She make some for your daughters?	15 seen, there used to be like three to four	
16 A. No. I was in -- I knew her from	16 roadblocks a day in the same neighborhood.	
17 some years ago, when I used to be in the	17 Q. Three to four roadblocks a day in	
18 dance team with Quinnetta.	18 the same neighborhood?	
19 Q. Okay. So you and Quinnetta were in	19 A. Mm-hmm (affirmative response).	
20 dancing classes, or --	20 Q. And how often have you seen that?	
21 A. It was a majorette team.	21 A. Common. Common.	
22 Q. And that was in high school?	22 Q. It's common? And what neighborhood	
23 A. I was in middle school at the time.	23 would that be?	
24 Q. Okay. Have you talked to Ms. Thomas	24 A. Multiple. Like Canton Estates, Joe	
25 about this lawsuit?	25 Pritchard Homes, MLK.	

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1 Q. Anywhere else?	1 A. The cars.	
2 A. Yes. May Street, King Ranch, and	2 Q. They had marked vehicles?	
3 Ricks Drive.	3 A. Mm-hmm (affirmative response).	
4 Q. You ever seen roadblocks in any	4 Q. Did they -- and lights?	
5 other part of Madison County?	5 A. I didn't see any lights.	
6 A. No.	6 Q. You didn't see the lights? Was it	
7 Q. And as I understand it, you don't	7 during the day?	
8 have a driver's license?	8 A. Night.	
9 A. No.	9 Q. Okay. Did you see people standing	
10 Q. So you wouldn't be driving a car	10 in the road, deputies standing in the road?	
11 around encountering roadblocks anywhere?	11 A. One stood in the road with his	
12 A. I went through a few, I mean two of	12 flashlight.	
13 them without a license.	13 Q. Were they stopping every car in	
14 Q. Without a license?	14 front of you?	
15 A. Mm-hmm (affirmative response).	15 A. Well, at the time I was the only car	
16 Q. And did you get a citation?	16 coming down the road.	
17 A. Yes.	17 Q. Okay. And that was on which street?	
18 Q. And what two were those?	18 A. MLK.	
19 A. 2014 and 2013.	19 Q. And when you stopped they asked you	
20 Q. 2018?	20 for your driver's license?	
21 A. '13.	21 A. Yes.	
22 Q. '13. Where did you get a citation	22 Q. And you said you didn't have one?	
23 in 2013?	23 A. Yes, ma'am.	
24 A. I was coming home from work. I	24 Q. They gave you a ticket --	
25 wasn't coming home from work, I was coming	25 A. Yes, ma'am.	
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1 home from the store. And they had one in	1 Q. -- and you called your mom to come	
2 front of Canton Estates.	2 get the car?	
3 Q. And you're sure that you got a	3 A. Yes, ma'am.	
4 ticket?	4 Q. And they waited around, let your mom	
5 A. Yes.	5 come get it, rather than towing it?	
6 Q. And that would not have been in	6 A. Yes.	
7 2014?	7 Q. Okay. And in 2013, was that -- did	
8 A. No.	8 the same thing happened then?	
9 Q. Tell me about the one in 2014.	9 A. Yes.	
10 A. That was on MLK.	10 Q. Nothing else happened during the	
11 Q. And tell me about that.	11 roadblock?	
12 A. That was when I was coming over the	12 A. No.	
13 bridge, coming from my sister's house.	13 Q. They just gave you a ticket for it?	
14 Q. And your sister lives where?	14 A. Yes.	
15 A. Martin Luther King, Canton Garden	15 Q. Okay. Didn't arrest you?	
16 Apartments.	16 A. No, ma'am.	
17 Q. And tell me what happened there.	17 Q. No?	
18 A. They wrote me a citation. My mom	18 A. No, ma'am.	
19 had to come and pick the car up.	19 Q. Okay. That was the only two	
20 Q. Okay. Cause you couldn't drive	20 roadblocks that you've been through?	
21 cause you didn't have a license?	21 A. It could be more. I'm not sure.	
22 A. Mm-hmm (affirmative response). Yes,	22 Q. But you don't recall any other ones?	
23 ma'am.	23 A. No, ma'am.	
24 Q. How did you know that it was the	24 Q. That was driving and/or passenger?	
25 Madison County Sheriff's Department?	25 A. Passenger, yes.	

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1 Q. Okay. Tell me about that -- those.	1 there was two deputies on feet. And they
2 A. There was three occasions. I was	2 stopped and they asked me for my
3 with my sister on one. And they asked her	3 identification. And I was already running
4 for her driver's license and my ID.	4 late for work.
5 Q. Okay.	5 Q. You give it to them?
6 A. The second one --	6 A. Yes.
7 Q. Did anything happen? Did she have a	7 Q. And nothing else happened?
8 license?	8 A. Yes. They ran my name and nothing
9 A. Yeah, she had a license?	9 else happened.
10 Q. You had an ID?	10 Q. Okay. Do you remember -- did you
11 A. Yes. They let us go.	11 work the night shift?
12 Q. They said, "Go away?"	12 A. Yes.
13 A. Yes.	13 Q. Okay. What time were you walking in
14 Q. All right. Next?	14 Canton Estates?
15 A. I was with my friend girl Amanda.	15 A. I had to be at work at 11:00. So it
16 Q. Who?	16 was about 11:10 because I was already running
17 A. Amanda.	17 late.
18 Q. Amanda?	18 Q. And your friend was going to pick
19 A. Yes.	19 you up outside?
20 Q. You remember when this was and	20 A. Outside the gate.
21 where?	21 Q. Okay.
22 A. This was in front of Brooklyn -- I	22 A. At the front gate.
23 mean, Boyd -- no, not Boyd street. Canton	23 Q. And the deputies were walking around
24 Estates. Canton Estates.	24 in Canton Estates?
25 Q. Okay.	25 A. Yes.
Page 50	Page 52
1 A. She was taking me home.	1 Q. And -- but you'd seen them walking
2 Q. And anything significant happen	2 around before?
3 there? Did they just check and let you go?	3 A. Yes.
4 A. She didn't have any license.	4 Q. Did they walk around when you called
5 Q. Okay.	5 about the gambling or did they drive around?
6 A. So they wrote her a ticket and I	6 A. They drove.
7 walked on to my apartment. Her mom came and	7 Q. What about the guns? Did they walk
8 got her car.	8 or --
9 Q. And they waited around and let her	9 A. Drove.
10 mom come get the car?	10 Q. Okay. Did you have any problems
11 A. Yes.	11 with the officers patrolling Canton Estates?
12 Q. Didn't tow it.	12 A. No.
13 A. No.	13 MR. RETHY: I'll object to the form
14 Q. Anything else happen at that one	14 of the last question.
15 other than what you just told me?	15 MS. COWAN: What's the basis of your
16 A. No.	16 objection?
17 Q. Okay. Okay. You talked about	17 MR. RETHY: "Any problems", vague.
18 better policing and you talked about	18 MS. COWAN: Okay.
19 roadblocks. Is there anything else that you	19 BY MS. COWAN:
20 want better policing in regard to Madison	20 Q. Do you have any problems, at all,
21 County?	21 about the officers walking around and
22 A. Yes. Pedestrian stops.	22 patrolling Canton Estates?
23 Q. Okay. Tell me about that.	23 MR. RETHY: At what time.
24 A. I was walking to the front of the	24 BY MS. COWAN:
25 gate to meet my ride for work one night. And	25 Q. At any time?

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1	A. No.	1	door. Steven went to the door. I was still
2	Q. Okay. Okay. Was the time that the	2	in the room putting my clothes on. I heard
3	deputies stopped you while you were walking	3	the officer say that they just want to search
4	towards the gate going outside Canton	4	for a missing child. They're not going to
5	Estates, is that the only time you were ever	5	look through anything else. They just want
6	stopped by deputies patrolling Canton	6	to search for a missing child. Her name is
7	Estates?	7	████████ Steve told them that they didn't
8	A. No.	8	have a warrant, they can't come in. So one
9	Q. Tell me about that.	9	of the deputies pushed the door open and
10	A. Yes. I was standing back of my	10	walked on in my house. As they was searching
11	stepdad's truck and --	11	through, they was looking through drawers and
12	Q. Who's your stepdad?	12	stuff.
13	A. Leroy McDonald. Leroy McDonald.	13	So my three year old at the time,
14	Q. Does he live in Canton Estates?	14	she was asleep in her bed. When they came in
15	A. No. He stay with my mom on Walnut	15	her room, they looked through her closets and
16	now.	16	they put the flashlight on her face and she
17	Q. Was he visiting Canton Estates?	17	woke up. One of the deputies asked her, "Is
18	A. Yes.	18	you █████ And they assumed to leave
19	Q. Okay. He was visiting your mother?	19	after that.
20	A. He was visiting me at the time in my	20	Q. And Mr. Smith said he heard them
21	apartment.	21	going up and down steps to other apartments.
22	Q. Okay. That was when you were living	22	A. Yeah. They was going to everybody's
23	with Mr. Smith?	23	apartment that day.
24	A. Yes.	24	Q. Everybody's apartment. Do you know
25	Q. What year was that?	25	who is █████
	Page 54		Page 56
1	A. That was in 2013.	1	A. No, ma'am.
2	Q. Okay. Tell me about that.	2	Q. Did they tell you? Was it a child?
3	A. Yes. Him and my mom came over to my	3	I know you said it was a child. Did they say
4	house and I was standing on the back of the	4	what age or anything about her?
5	truck outside on the phone and they walked up	5	A. No, ma'am.
6	to me and asked me for my identification.	6	Q. Did you ever hear anything on the
7	Q. Okay. And you gave it to them.	7	street about who █████ was and what
8	Anything else happen?	8	happened to her?
9	A. No. They ran my name and they let	9	A. Yes. I know that her mom lived at
10	me go.	10	Canton Estates.
11	Q. Okay. And is that it?	11	Q. Okay. Did you ever talk to her mom
12	A. Yes.	12	about it?
13	Q. Okay. You referred to another	13	A. No. I don't even know her mom.
14	incident where something happened on	14	Q. But it was your understanding that
15	Halloween night in 2015. Do you recall that	15	lived in Canton Estates was missing?
16	where deputies came and knocked on y'all's	16	A. Mm-hmm (affirmative response). Yes,
17	door?	17	ma'am.
18	A. Yes.	18	Q. And they were going door to door
19	Q. Mr. Smith's told me a little bit	19	looking for her.
20	about it. Can you tell me -- tell me what	20	A. Yes, ma'am.
21	you remember about it.	21	Q. When the deputies stopped you, you
22	A. Yes. It was before dawn.	22	know, going -- walking out, going to meet
23	Q. Before dawn is pretty early in the	23	your ride, do you believe that that had
24	morning?	24	anything to do with your race?
25	A. Yes. I heard a knocking at the	25	A. No. I just think it had something

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1 to do with harassing.	1 Q. I believe Mr. Smith said you dressed
2 Q. Okay.	2 him for the press conference. Did you go to
3 MS. COWAN: You are at an advantage	3 the press conference too?
4 because I've gotten most of these answers	4 A. Yes, I was at the press conference.
5 from Mr. Smith, so yours will be shorter.	5 Q. Did you talk to anybody other than
6 THE WITNESS: Okay.	6 the lawyers about what to say at the press
7 BY MS. COWAN:	7 conference?
8 Q. The time that you were sitting on	8 A. No, ma'am.
9 the back of the truck and the time you were	9 Q. And did you say anything?
10 walking towards the entrance to Canton	10 A. No, ma'am.
11 Estates --	11 Q. You didn't say anything. Who talked
12 A. Mm-hmm (affirmative response).	12 during the press conference?
13 Q. -- I think you told me this, but you	13 A. Steven and Quinnetta did.
14 encountered the deputies were walking. They	14 Q. What did Steven say? Do you recall?
15 were doing a walking patrol?	15 A. No, ma'am.
16 A. Yes.	16 Q. What about Quinnetta?
17 Q. Okay. The truck incident, do you	17 A. No, ma'am. I don't recall.
18 believe that that was because of your race?	18 Q. When was the last time you say
19 A. No.	19 Quinnetta?
20 Q. Do you recall Mr. Smith calling the	20 A. At the press conference.
21 Sheriff's Department about seeing kids that	21 Q. Okay. Do you know anything about an
22 were walking through the breezeway of y'all's	22 incident involving Mr. Manning getting shot
23 apartment and they kept looking down, he	23 at Canton Estates?
24 called the Sheriff's Department and they	24 A. Yes.
25 found a gun in the grass? Does that ring a	25 Q. What do you know about that?
Page 58	Page 60
1 bell to you?	1 A. I was living across the street from
2 A. Yes. That's the same incident when	2 them at the time and I heard the gunshots,
3 I told you about the gun they found in the	3 but I was, you know, looking out my window.
4 grass at the house.	4 No, peeking out. And I didn't -- that's all
5 Q. Okay. It was a shotgun?	5 I seen. Then about five minutes later the
6 A. Yes. It was a shotgun.	6 police come in.
7 Q. It wasn't a pistol?	7 Q. Was it the Sheriff's Department?
8 A. No.	8 A. Yes.
9 Q. I think he said it was a 12 gauge	9 Q. And is the reason you didn't go out
10 shotgun?	10 because you thought it might be dangerous?
11 A. Yes, ma'am.	11 A. Yes.
12 Q. You never knew where it came from or	12 Q. Did you ever talk to anybody about
13 anything about it?	13 what happened to Mr. Manning?
14 A. No.	14 A. No, ma'am.
15 Q. Okay. Other than the plaintiff's	15 Q. Do you know whether or not Mr.
16 whose names I read you, you know some, you	16 Manning sold drugs Canton Estates?
17 don't know some, have you talked to anybody	17 A. No, ma'am.
18 else about this lawsuit?	18 Q. Did anybody tell you that he was
19 A. No, ma'am.	19 shot because he was selling drugs at Canton
20 Q. Have you talked to your dad about	20 Estates?
21 it?	21 A. No, ma'am.
22 A. No.	22 Q. I may have already asked you this.
23 Q. Does he know that you're a plaintiff	23 How did you first find out about this
24 in the lawsuit?	24 lawsuit? The very first time?
25 A. No.	25 A. When Jade and them was doing

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<p>1 canvassing through the apartment complex.</p> <p>2 Q. Do you know whether or not Jade</p> <p>3 visited other apartment complexes other than</p> <p>4 Canton Estates?</p> <p>5 A. No, ma'am.</p> <p>6 Q. She just showed up at your door?</p> <p>7 A. Yeah. I think they was canvassing,</p> <p>8 but I was already in the house so I don't</p> <p>9 know if she went to somebody else's house or</p> <p>10 not.</p> <p>11 Q. Have you talked to anybody who has</p> <p>12 said they don't want to be a part of this</p> <p>13 lawsuit?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Do you know what Mr. Smith is</p> <p>16 claiming in this lawsuit?</p> <p>17 A. Yes.</p> <p>18 Q. What's he claiming?</p> <p>19 A. Harassment.</p> <p>20 Q. What kind of harassment?</p> <p>21 A. The time he was walking home from</p> <p>22 the store, I sent him to the store, and he</p> <p>23 was walking back to the house and there was a</p> <p>24 roadblock in the front and they stopped him</p> <p>25 and they ran his name in.</p>	<p>Page 61</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 63</p> <p>[REDACTED]</p> <p>Q. Were they stopping other cars going</p> <p>through a roadblock?</p> <p>A. Not after theirs. Not after what</p> <p>happened with Steven and Ty. They left.</p> <p>Q. Did you see any actual roadblock</p> <p>being conducted?</p> <p>A. Yes.</p> <p>Q. All right. Tell me about that.</p> <p>A. Times I was walking to the mailbox,</p> <p>walking to the store, walking my kids.</p> <p>Q. No, I mean that night.</p> <p>A. Oh, that night. No, it was just</p> <p>one.</p> <p>Q. Okay. You keep a journal or a</p>
<p>Page 62</p> <p>1 Q. Okay. So he's told you that he</p> <p>2 walked through a roadblock?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And he walked through the</p> <p>5 roadblock with whom?</p> <p>6 A. It was him and his friend.</p> <p>7 Q. Who's his friend?</p> <p>8 A. Ty. I don't know his first name. I</p> <p>9 just call him Ty.</p> <p>10 Q. Did Ty frequently visit y'all's</p> <p>11 apartment?</p> <p>12 A. Yes.</p> <p>13 Q. How often?</p> <p>14 A. Maybe -- he worked during the week</p> <p>15 so it would be like on the weekend or</p> <p>16 something when he come over.</p> <p>17 Q. Once a month, twice a month, three</p> <p>18 time?</p> <p>19 A. Twice a month. Twice a month.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 64</p> <p>1 diary?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Do you use social media?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have a Facebook page?</p> <p>6 A. Yes.</p> <p>7 Q. What's your name on your Facebook</p> <p>8 page?</p> <p>9 A. [REDACTED]</p> <p>10 Q. Is it a public Facebook?</p> <p>11 A. No, it's private.</p> <p>12 Q. Private. Have you ever made any</p> <p>13 comments or talked about this lawsuit on your</p> <p>14 Facebook page?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Does Mr. Smith use your Facebook</p> <p>17 page?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Does anybody else use your Facebook</p> <p>20 page?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Do you have any knowledge whether or</p> <p>23 not roadblocks are conducted anywhere else,</p> <p>24 other than where you've seen them, in Madison</p> <p>25 County?</p>

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1	A. No.	1 Q. Your who?
2	Q. Have you ever filed a lawsuit	2 A. Classmate.
3	against anybody or any company or anything?	3 Q. All right. Tell me about her. When
4	A. No, ma'am.	4 was the last time you saw her?
5	Q. Have you ever been sued?	5 A. I haven't seen her in years.
6	A. No, ma'am.	6 Q. A year?
7	Q. Have you ever been hurt on the job?	7 A. Years.
8	A. No, ma'am.	8 Q. Years. Have you talked to her about
9	Q. You ever filed a workman's comp	9 this lawsuit?
10	claim?	10 A. No.
11	A. No, ma'am.	11 Q. Do you know what she knows about
12	Q. What about unemployment?	12 this lawsuit?
13	A. Yes, I have -- no, no, no.	13 A. No.
14	Q. No? [REDACTED]	14 Q. Do you know if Mr. Smith has talked
15	[REDACTED]	15 with her?
16	[REDACTED]	16 A. No.
17	[REDACTED]	17 Q. What about Mr. Willie Carter?
18	[REDACTED]	18 A. I don't know him.
19	[REDACTED]	19 Q. Rasheed Davis?
20	[REDACTED]	20 A. I don't know him.
21	[REDACTED]	21 Q. The hairdresser?
22	[REDACTED]	22 A. I don't --
23	[REDACTED]	23 Q. No?
24	[REDACTED]	24 A. -- know him.
25	[REDACTED]	25 Q. Veronica Davis.
	Page 66	Page 68
1	[REDACTED]	1 A. I don't know her.
2	[REDACTED]	2 Q. Dominique Doss?
3	[REDACTED]	3 A. I don't know her.
4	[REDACTED]	4 Q. Undrea Guise?
5	[REDACTED]	5 A. I don't know her.
6	[REDACTED]	6 Q. From Canton? No? Kenneth Harris?
7	[REDACTED]	7 A. I don't know him.
8	[REDACTED]	8 Q. Lester Hollins?
9	[REDACTED]	9 A. I don't know him.
10	Q. I'm going to go through some names	10 Q. From Jackson? Antonio Howard?
11	that you gave me in some answers to the	11 A. I don't know him.
12	interrogatories that you looked through.	12 Q. John Spann?
13	A. Mm-hmm (affirmative response).	13 A. I don't know him.
14	Q. And ask you if you know these people	14 Q. What about Earline Wilder?
15	and how you know them.	15 A. I worked with her -- I worked with
16	James Bacon?	16 her at the hospital.
17	A. I don't know him.	17 Q. Okay. What does she do?
18	Q. Michael Bracy?	18 A. She was a housekeeper.
19	A. I don't know him.	19 Q. Housekeeper at Canton Manor?
20	Q. Anthony Brown?	20 A. No, we worked at Merit Health
21	A. I don't know him.	21 together.
22	Q. From Flora?	22 Q. Okay. You didn't tell me about
23	A. I don't know him.	23 that. When did you work for Merit Health?
24	Q. Bysheba Brown from Ridgeland?	24 A. 2015.
25	A. She's my classmate.	25 Q. How long did you work there?

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1	A. Seven months.	1 wasn't too far from my building. So I walked
2	Q. Seven months?	2 around the front windows to around the
3	A. Yes.	3 apartment, and I seen Steven in handcuffs
4	Q. And what did you do there?	4 sitting on the ground. They had his ID
5	A. Housekeeping.	5 running his name in.
6	Q. And why did you leave?	6 Q. Do you know what year this was?
7	A. Maternity leave.	7 A. 2015.
8	Q. Maternity leave.	8 Q. 2015. Do you know why they put him
9	MS. COWAN: Let's take a break.	9 in handcuffs?
10	---	10 A. No.
11	(OFF THE RECORD AT 11:57 P.M.)	11 Q. Did he ever talk to you about it?
12	(BACK ON THE RECORD AT 12:05 P.M.)	12 A. Yes, I said -- but no, he didn't
13	BY MS. COWAN:	13 tell me why they had him in handcuffs.
14	Q. Ms. Brown, the October 31st, 2015	14 Q. He didn't tell you anything about
15	Halloween incident. Mr. Smith said that	15 what -- the incident occurred?
16	y'all had given a party earlier in the day	16 A. No.
17	for one of your daughters?	17 Q. Well, he didn't tell us either.
18	A. No. It was my nephew.	18 That's why I was asking.
19	Q. Oh, that's right. I'm sorry. Your	19 A. No.
20	nephew.	20 Q. Was he arrested?
21	A. Yes.	21 A. No. They let him go after they ran
22	Q. Okay. And do you know when that	22 his name in.
23	party stopped?	23 Q. Okay. But he didn't tell you why
24	A. It stopped pretty early. Around	24 they asked him to walk around to the other
25	8:00.	25 side of the apartment or anything?
	Page 70	Page 72
1	Q. 8:00 at night?	1 A. No.
2	A. Yes.	2 Q. Did you ask him?
3	Q. And was it a birthday party?	3 A. No, I just walked around the
4	A. Yes.	4 building and seen him in handcuffs. And when
5	Q. Okay. You mentioned better policing	5 they were like taking the handcuffs off of
6	and warrantless searches. Is that the only	6 him, that's when I walked back to the
7	warrantless search that you can tell me about	7 apartment.
8	that's happened to you that you know	8 Q. When he got back to the apartment,
9	personally about?	9 you didn't ask him anything about what
10	A. No, there was this incident with	10 happened?
11	Steven.	11 A. Huh-uh (negative response). Because
12	Q. Okay.	12 I thought maybe that's all they was doing was
13	A. Me and him both were sitting outside	13 running his name in.
14	our apartment, and it was two deputies walk	14 Q. Okay. Did you think they thought he
15	-- walk by. It was night time.	15 was somebody else?
16	Q. What time?	16 A. No.
17	A. It was like 9:30 at night. And we	17 Q. Okay. Tell me how the Madison
18	was sitting out and they walked by. We	18 County Sheriff's Department can have better
19	thought it was the two security guards that	19 policing in Madison County.
20	worked there. So when they walked up, they	20 A. By not walking in people's houses
21	put they flashlight on us. They told Steven	21 without warrants. The pedestrian stops.
22	to stand up, and they asked him to walk	22 Through roadblocks. You know.
23	around the building with them. And so I go	23 Q. When you say through roadblocks,
24	in the house, I check on my kids.	24 what do you mean? Holding roadblocks?
25	So with the way they walked it	25 A. Like, if I'm walking through a

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1 roadblock and they stop me and ask me, and 2 I'm not driving, for my ID or something. 3 Q. When you're walking through a 4 roadblock, have you ever been ID'd walking 5 through a roadblock? 6 A. No. 7 Q. Anything else? 8 A. No, ma'am. 9 Q. And the complaint you have about the 10 warrantless search was when the deputies was 11 looking for [REDACTED] 12 A. Mm-hmm (affirmative response). 13 Q. Yes? 14 A. Yes, ma'am. 15 Q. Do you know if whether Mr. Smith 16 allowed them to come into the apartment? 17 A. No. 18 Q. You didn't hear one way or the 19 other? 20 A. Huh-uh (negative response). 21 Q. No? 22 A. No, ma'am. 23 MS. COWAN: Anything else, y'all? 24 No? 25 You did well.	1 Q. Did the officers -- what happened at 2 the checkpoint? Did the officers ask for 3 your identification? 4 A. Yes, but I didn't have it on me. 5 Q. So then what happened? 6 A. They asked for my Social Security 7 Number and they wrote it down. 8 Q. And then? 9 A. They ran my name. 10 Q. Have you been through a pedestrian 11 checkpoint another time? 12 A. Possibly, I'm not sure. 13 Q. Have you ever seen pedestrian 14 checkpoints outside of the park where you 15 take your children? 16 A. Yes, that's on Ricks Drive. 17 Q. Okay. Have you been through a 18 pedestrian checkpoint there? 19 A. Yes, I was with my cousin. 20 Q. And what happened? 21 A. They asked for me and his 22 identification. 23 Q. Did you have it? 24 A. Yes. And I showed it to him, I 25 showed my ID to him and my cousin did also.
Page 74	Page 76
1 THE WITNESS: Well, I can breathe. 2 MS. COWAN: I don't know. Your 3 attorneys might have some questions for you 4 after. We'll just have to wait. 5 MR. RETHY: Okay. Give us a second. 6 MS. COWAN: Yeah. You want us to 7 leave? 8 MR. RETHY: We can leave. 9 MS. COWAN: Okay. 10 --- 11 (OFF THE RECORD AT 12:10 P.M.) 12 (BACK ON THE RECORD AT 12:15 P.M.) 13 --- 14 (CROSS-EXAMINATION) 15 BY MS. JARRETT: 16 Q. Ms. Brown, I'm just going to ask you 17 a couple questions, okay? 18 A. Yes, ma'am. 19 Q. Have you ever been through a 20 pedestrian checkpoint? 21 A. Yes. 22 Q. When? 23 A. When I was walking from the store. 24 Q. And where was the checkpoint setup? 25 A. In front of Canton Estates.	1 Q. And what did the officer do with 2 your identification? 3 A. They ran our names. 4 Q. When you say they ran your names, 5 what do you mean? 6 A. They did it on the walkie-talkie to 7 the dispatcher. 8 Q. And then did you leave? 9 A. Yes. 10 Q. Have you ever been through any other 11 pedestrian checkpoints? 12 A. Not that I can recall. 13 Q. Do you ever come into pedestrian 14 checkpoints when you are -- where does your 15 mom live? 16 A. She lives on Walnut. 17 Q. Have you ever run into pedestrian 18 checkpoints going to or from your mom's 19 house? 20 A. No. 21 Q. And when you say pedestrian 22 checkpoint, what does that mean to you? 23 A. That if I'm walking through a 24 roadblock and I get stopped, then asked for 25 identification.

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1 Q. Earlier Ms. Cowen asked you if you'd 2 ever been stopped at a roadblock while you 3 were on foot. Have you ever been stopped at 4 a roadblock while you were on foot? 5 A. Yes. 6 Q. Ms. Brown, do you think that the 7 Madison County Sheriff's Department treats 8 the black residents of Madison County 9 differently than the white residents of 10 Madison County? 11 MS. COWAN: Object to the form. 12 Leading. 13 MS. JARRETT: You can answer. 14 A. Yes. 15 BY MS. JARRETT: 16 Q. Okay. 17 MS. JARRETT: Thank you. 18 MS. COWAN: I just have a couple of 19 follow up questions. 20 --- 21 (RDIRECT EXAMINATION) 22 BY MS. COWAN: 23 Q. You were asked what a pedestrian 24 checkpoint is, I believe I heard your 25 testimony and you say that is a roadblock	1 over here. 2 Q. So it's impossible to walk around? 3 A. Yes, because it's a straight and 4 narrow road. 5 Q. And what time of day was this? 6 A. This was like at 6:00 going -- 5:00 7 going on 6:00 I want to say. 8 Q. All right. So let me make sure I 9 understand this. When you talk about what 10 you consider a pedestrian checkpoint, that's 11 when a roadblock has been setup and they're 12 actually ID'ing pedestrians who walk through 13 a roadblock? 14 A. Yes. 15 Q. Okay. 16 MS. COWEN: Hold on. 17 MS. JARRETT: I think we can go off 18 the record. 19 --- 20 (OFF THE RECORD AT 12:17 P.M.) 21 (BACK ON THE RECORD AT 12:18 P.M.) 22 BY MS. COWAN: 23 Q. Ms. Brown, you testified that you 24 think that blacks are treated differently 25 than whites by the Madison County Sheriff's
Page 78	Page 80
1 where cars are being stopped going through? 2 A. Roadblock to me is when cars, they 3 checking cars. 4 Q. Okay. 5 A. Pedestrian stops is when you walking 6 through a roadblock. I was walking my kids 7 from the park to my house and they stopped 8 me. But it was a roadblock setup. 9 Q. It was a roadblock where cars -- 10 A. Yes, they were stopping cars before 11 I got to them. 12 Q. Okay. So you walked through the 13 roadblock? 14 A. Yes, to go home. 15 Q. To go home? 16 A. Yes. 17 Q. They asked for your ID? 18 A. Yes. 19 Q. And you had your children with you? 20 A. Yes. 21 Q. Was there any way you could have 22 walked around the roadblock? 23 A. No, because the way we was walking 24 on the side of the road, it was like one 25 officer car over here and one officer car	1 Department. Can you tell me why and how they 2 are? 3 A. Yes, because most of the roadblocks 4 I see or when I'm walking I see roadblocks 5 also, it's mostly in our black communities 6 where most of the black people live. 7 Q. This is roadblocks -- 8 A. Yes. 9 Q. -- vehicle roadblocks? 10 A. Yes. 11 Q. And have you ever checked the 12 posting of the roadblocks that are on the 13 justice court door in the Madison County 14 Justice Court building? 15 A. No, ma'am. 16 Q. And have you ever seen any 17 roadblocks being conducted anywhere else in 18 Madison county? 19 A. Yes. 20 Q. Where would that be? 21 A. Walnut, at the top of Walnut, right 22 there by the highway. 23 Q. Which highway? 24 A. Highway 22. 25 Q. Okay.

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1	A. And New Edition.	1 BY MS. COWAN:
2	Q. What is that?	2 Q. How many roadblocks have you
3	A. That's an apartment complex.	3 observed within Madison County? You told me
4	Q. Where is that?	4 about one at Walnut, top of Highway 22; is
5	A. It's on Ricks Drive also.	5 that right?
6	Q. When was that?	6 A. Yes, May Street also.
7	A. Frequently when I used to stay over	7 Q. May Street. The New Edition, is
8	there in Canton Estates, cause Canton Estate	8 that May Street?
9	is here in -- I mean, New Edition is the next	9 A. No, that's Ricks Drive.
10	apartment complex.	10 Q. Okay. That's Ricks Drive.
11	Q. Is it safe for me to say that since	11 A. Canton Estates, MLK, King Ranch.
12	you don't have a driver's license you don't	12 Q. Okay.
13	drive that frequently in Madison County?	13 A. And also Highway 51.
14	A. No, ma'am.	14 Q. Where on Highway 51?
15	Q. Have you been driving frequently in	15 A. Right in front of the jailhouse.
16	Madison County without a driver's license?	16 Q. Okay. And why is it your testimony
17	A. Not recently, no.	17 that a roadblock set up on Highway 51 in
18	Q. No. All right. So we've got the	18 front of the jail, the detention center is
19	roadblocks near Canton Estates, we've got	19 set up to target blacks?
20	Walnut Street, top of the Highway 22, the New	20 MS. JARRETT: Object to form.
21	Edition. Any other roadblocks that you've	21 A. Cause most of --
22	observed?	22 MS. COWAN: What's your objection?
23	A. Yes, Boyd Street.	23 MS. JARRETT: Ms. Brown testified
24	Q. Did you have to go through one of	24 that a roadblock was set up there.
25	those?	25 MS. COWAN: Okay.
	Page 82	Page 84
1	A. No, but I have seen them.	1 BY MS. COWAN:
2	Q. Okay. When did you see them?	2 Q. Do you feel like the roadblock that
3	A. Walking to the stores, walking to my	3 was set up on Highway 51 in front of the
4	sister's house. She stays on Boyd Street,	4 Madison County Detention Center was set up to
5	one of my sisters on my dad's side and on	5 target blacks?
6	MLK.	6 A. Yes.
7	Q. Okay. As I understand it, your	7 Q. Tell me why.
8	testimony today about the Madison County	8 A. Because I know a lot of folks use
9	Sheriff's Department treating blacks	9 that road to go to work and drive back and
10	differently than whites is based on where	10 forth to work.
11	they set up roadblocks?	11 Q. A lot of folks, you mean black
12	A. Yes, I think they target blacks.	12 folks?
13	Q. Okay. As I understand it you don't	13 A. Yes, a lot of black people.
14	have a driver's license.	14 Q. Other than that, I mean, is that
15	A. Mm-hmm (affirmative response). Yes,	15 just your opinion, you've not seen how many
16	ma'am.	16 blacks go through, how many whites go
17	Q. And you have told me about four	17 through, just your opinion?
18	roadblocks that you've seen, is that correct?	18 A. Yes.
19	A. Yes.	19 MS. COWAN: That's all I got.
20	MS. JARRETT: Object to form.	20 MR. RETHY: All right. So we'll read
21	MS. COWAN: What's your objection?	21 and sign this.
22	MS. JARRETT: It's unclear whether	22 MS. COWAN: Okay.
23	you mean four individual roadblocks or	23 MR. RETHY: We'll take both
24	roadblocks set up in four different	24 transcripts for two weeks to determine
25	locations.	25 whether there's anything in here that

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<p>1 warrants designating as confidential.</p> <p>2 MS. COWAN: On this one?</p> <p>3 MR. RETHY: On this one and on Mr.</p> <p>4 Smith's. I'm not trying to mark anything at</p> <p>5 this moment.</p> <p>6 MS. COWAN: Did you understand that?</p> <p>7 THE REPORTER: Yes, ma'am.</p> <p>8 ---</p> <p>9 (OFF THE RECORD AT 12:23 P.M.)</p> <p>10 (WHEREUPON THE ABOVE-ENTITLED DEPOSITION WAS</p> <p>11 SUSPENDED AT APPROXIMATELY 12:23 P.M.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 85</p> <p>1 CERTIFICATE OF DEPONENT</p> <p>2 I, LATOYA BROWN, have read the foregoing pages,</p> <p>3 of the transcript of my deposition given on January 9,</p> <p>4 2018, and it is true, correct and complete to the best</p> <p>5 of my knowledge, recollection and belief except for the</p> <p>6 list of corrections, if any, attached on a separate</p> <p>7 sheet herewith.</p> <p>8 Witness my hand, this the _____ day of</p> <p>9 _____, 2018.</p> <p>10</p> <p>11 LATOYA BROWN</p> <p>12</p> <p>13 Subscribed and sworn to before me, this the</p> <p>14 _____ day of _____, 2018.</p> <p>15</p> <p>16</p> <p>17 Notary Public in and for the</p> <p>18 County of _____</p> <p>19 State of Mississippi</p> <p>20 My Commission Expires: _____</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 CERTIFICATE OF COURT REPORTER</p> <p>2 I, Tammy McDaniel-Bagnato, Court Reporter and</p> <p>3 Notary Public, in and for the State of Mississippi,</p> <p>4 hereby certify that the foregoing contains a true and</p> <p>5 correct transcript of the testimony of LATOYA BROWN, as</p> <p>6 taken by me in the aforementioned matter at the time and</p> <p>7 place heretofore stated, as taken by me and later</p> <p>8 reduced to typewritten form under my supervision by</p> <p>9 means of computer-aided transcription.</p> <p>10 I further certify that under the authority vested</p> <p>11 in me by the State of Mississippi that the witness was</p> <p>12 placed under oath by me to truthfully answer all</p> <p>13 questions in the matter.</p> <p>14 I further certify that I am not in the employment</p> <p>15 of or related to any counsel or party in this matter and</p> <p>16 have no interest, monetary or otherwise, in the final</p> <p>17 outcome of this matter.</p> <p>18 Witness my signature and seal, this the 21st day,</p> <p>19 January, 2018.</p> <p>20</p> <p>21</p> <p>22 MY COMMISSION EXPIRES:</p> <p>23 _____</p> <p>24</p> <p>25</p>	<p>Page 86</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>3 _____</p> <p>4 REASON FOR CHANGE: _____</p> <p>5 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>6 _____</p> <p>7 REASON FOR CHANGE: _____</p> <p>8 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>9 _____</p> <p>10 REASON FOR CHANGE: _____</p> <p>11 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>12 _____</p> <p>13 REASON FOR CHANGE: _____</p> <p>14 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>15 _____</p> <p>16 REASON FOR CHANGE: _____</p> <p>17 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>18 _____</p> <p>19 REASON FOR CHANGE: _____</p> <p>20 PAGE NO. _____ LINE NO. _____ CHANGE TO: _____</p> <p>21 _____</p> <p>22 REASON FOR CHANGE: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____</p> <p>25 LATOYA BROWN</p>

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1	DEPOSITION ERRATA SHEET		
2	PAGE NO. 45	LINE NO. 2	CHANGE TO: "May" into "Mace"
3	<hr/>		
4	REASON FOR CHANGE: _____		
5	PAGE NO. 63	LINE NO. 6	CHANGE TO: "door" into "store"
6	<hr/>		
7	REASON FOR CHANGE: _____		
8	PAGE NO. 83	LINE NO. 6	CHANGE TO: "May" into "Mace"
9	<hr/>		
10	REASON FOR CHANGE: _____		
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25	LATOYA BROWN		

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1	DEPOSITION ERRATA SHEET		
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24	SIGNATURE:	DATE:	
25	LATOYA BROWN		

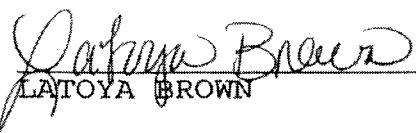
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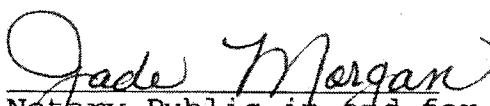
1 CERTIFICATE OF DEPONENT

2 I, LATOYA BROWN, have read the foregoing pages,
3 of the transcript of my deposition given on January 9,
4 2018, and it is true, correct and complete to the best
5 of my knowledge, recollection and belief except for the
6 list of corrections, if any, attached on a separate
7 sheet herewith.

8 Witness my hand, this the 24 day of
9 January, 2018.

10 
11 LATOYA BROWN

12 Subscribed and sworn to before me, this the
13 24 day of January, 2018.

14 
15 Jade Morgan
16 Notary Public in and for the
17 County of Hinds
18 State of Mississippi
19 My Commission Expires: 11/30/2021



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LATOYA BROWN; LAWRENCE BLACKMON; HERBERT ANTHONY GREEN; KHADAFY MANNING; QUINNETTA MANNING; MARVIN MCFIELD; NICHOLAS SINGLETON; STEVEN SMITH; BESSIE THOMAS; and BETTY JEAN WILLIAMS TUCKER, individually and on behalf of a class of all others similarly situated,

Plaintiffs,

v.

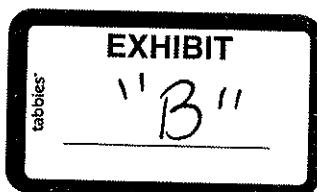
MADISON COUNTY, MISSISSIPPI; SHERIFF RANDALL S. TUCKER, in his official capacity; and MADISON COUNTY SHERIFF'S DEPUTIES JOHN DOES #1 through #6, in their individual capacities,

Defendants.

Civil Action No.
3:17-cv-00347-WHB-LRA

**PLAINTIFF LATOYA BROWN'S
SECOND SUPPLEMENTAL
RESPONSES AND OBJECTIONS
TO DEFENDANTS' FIRST SET
OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Latoya Brown ("Plaintiff" or "Ms. Brown"), by and through her attorneys, hereby submits the following supplemental responses and objections to Interrogatories Nos. 1(a), 8, and 14 of Defendants' First Set of Interrogatories served by Defendants on Plaintiffs on September 22, 2017 (collectively, the "Interrogatories," and each an "Interrogatory"). These responses and objections are hereby designated as Confidential pursuant to the Stipulated Protective Order (Dkt. No. 32), so-ordered by the Court on September 6, 2017 in the above-captioned Action. The Second Supplemental Responses and Objections set forth below are made in further



response to the Interrogatories and supplement the Responses and Objections previously served by Plaintiff.

GENERAL OBJECTIONS

Plaintiff hereby incorporates by reference the General Objections set forth in her Responses and Objections to Defendants' First Set of Interrogatories dated October 20, 2017 and her Supplemental Responses and Objections to Defendants' First Set of Interrogatories dated November 10, 2017. Plaintiff asserts those General Objections as to each Interrogatory, whether or not such objections are repeated below in response to each individual Interrogatory.

**SPECIFIC SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS
TO INTERROGATORIES NOS. 1(a), 8, AND 14**

Interrogatory No. 8:

Please identify and describe in detail the form and substance of any policy or procedure of the Defendants or the Madison County Sheriff's Department you contend constitutes a policy sanctioning or encouraging unreasonable searches and seizures or racial discrimination. For each such policy, please state:

- (a) the name of the policy;
- (b) the terms of the policy;
- (c) the date it went into effect;

- (d) the means by which it went into effect;
- (e) how you learned of such policy; and
- (f) the name, address, and telephone number of the person who provided it to you.

Supplemental Response to Interrogatory No. 8:

In addition to the General Objections incorporated herein by reference, Plaintiff objects to Interrogatory No. 8 on the grounds that it seeks information already in the possession, custody, or control of or that is known to, equally available to, or solely available to Defendants. Plaintiff further objects to this Interrogatory on the grounds that it seeks information that is protected from disclosure by, or disclosure of which is prohibited or restricted under, any privilege or immunity, including the attorney-client privilege, the work product doctrine, the joint defense privilege, the common interest privilege or any other applicable privilege, immunity or limitation on discovery. Plaintiff also objects to this Interrogatory as vague, overbroad, and unduly burdensome. Plaintiff further objects to this Interrogatory because class certification-related discovery is ongoing and incomplete, and to the extent that this Interrogatory purports to require Plaintiffs to marshal evidence in support of any right or claim. Plaintiff also objects to this Interrogatory as vague, overbroad, and unduly burdensome. Plaintiff further objects to this Interrogatory on the grounds that it requests information regarding counsel's preparation of the case on behalf of the named Plaintiffs and the proposed class, rather than information that is within the personal knowledge of Plaintiff. Any information provided by Plaintiff in response to this Interrogatory is provided subject to and without waiver of these objections and qualifications.

Subject to and without waiver of the foregoing objections, and in addition to the information previously provided by Plaintiff in response to this Interrogatory, Plaintiff states that

policies and procedures of Defendants or the Madison County Sheriff's Department that constitute a policy sanctioning or encouraging unreasonable searches and seizures or racial discrimination include, but are not limited to:

- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks without appropriate procedural safeguards, including (i) roadblocks conducted using unmarked cars, (ii) roadblocks conducted using cars without emergency lighting engaged and/or using flashlights as a primary light source, (iii) roadblocks conducted by plainclothes or undercover officers, including narcotics officers and members of the "NET Team," "Jump Out Detail," and/or "Apartment Detail," (iv) roadblocks conducted in inadequately lit areas, (v) "roving" roadblocks, and (vi) roadblocks at which officers do not stop every car, but instead use their discretion to only stop certain vehicles.
- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks at which officers require persons other than the driver to produce identification or provide other information, or otherwise search or detain persons without reasonable suspicion or probable cause.
- The Madison County Sheriff's Department's policy, custom, and/or practice of conducting vehicular roadblocks at which Madison County Sheriff's Department personnel stop, question, detain, and/or search pedestrians in the vicinity of the roadblock without reasonable suspicion or probable cause and/or on the basis of race.
- The Madison County Sheriff's Department's policy, custom, and/or practice of stopping, questioning, detaining, and/or searching pedestrians travelling through majority-Black areas of Madison County without reasonable suspicion or probable cause and/or on the

basis of race, including as implemented by narcotics officers and members of the “NET Team,” “Jump Out Detail,” and/or “Apartment Detail.”

- The Madison County Sheriff’s Department’s policy, custom, and/or practice of conducting vehicular roadblocks for the purpose of checking for outstanding warrants, including but not limited to as described in the Notices produced at (i) MC T. CHASTAIN LAPTOP 17, (ii) MC MAD. COUNTY MAIN SERVER 1, and (iii) MC – SANDRIDGE DESKTOP 23, as well as the Notice annexed to the Complaint and the incident report produced at Bates numbers MC-RFP-Inc. Rep. 010886-010887.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of disproportionately conducting traffic stops in majority-Black areas, conducting pretextual traffic stops on the basis of race, and disproportionately issuing citations to and making arrests of Black individuals during traffic stops.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of discriminatorily arresting, citing, and/or charging Black individuals at higher rates, and/or with greater severity, than white persons engaged in the same or similar conduct.
- The Madison County Sheriff’s Department’s policy, custom, and/or practice of entering the homes of Black residents of Madison County without warrants or other valid legal justification in the course of serving warrants and/or conducting investigations, and of conducting unreasonable and warrantless searches of such premises in connection therewith.
- The Madison County Sheriff’s Department’s deliberate indifference to violations of the Fourth and Fourteenth Amendments by its personnel, as demonstrated by (i) the Madison County Sheriff’s Department’s failure to adequately train, supervise, and/or discipline

officers with respect to unconstitutional policing practices and with respect to officers' exercise of discretion in conducting law enforcement activities, (ii) the Madison County Sheriff's Department's failure to adequately investigate or otherwise respond to citizen complaints, (iii) the Madison County Sheriff's Department's failure to maintain data and/or statistics regarding incidents involving the use of force and the racial composition of persons subject to the Madison County Sheriff's Department's policing activities, and (iv) the Madison County Sheriff's Department's culture of racial discrimination and of explicitly or implicitly condoning, authorizing, and/or acquiescing to racially discriminatory attitudes, statements, and actions by Madison County Sheriff's Department personnel.

The policies, customs, and/or practices described above have been identified through analysis of deposition testimony taken in this Action, documents produced by the parties, and documents received in response to requests made under the Mississippi Public Records Act. Plaintiff's investigation, discovery, and preparation of her case and her legal theories, through counsel, are ongoing, and Plaintiff reserves all rights to identify other policies and/or procedures, to clarify or refine Plaintiff's characterizations of the above-mentioned policies and/or procedures, and/or to rely on other or additional evidence concerning any such policies and/or procedures, including as a result of documentary or testimonial evidence that may be adduced in this Action after the date hereof.

Dated: January 16, 2018

By: /s/ Joshua Tom
Joshua Tom

SIMPSON THACHER & BARTLETT LLP
Jonathan K. Youngwood (*pro hac vice*)
Janet A. Gochman (*pro hac vice*)
Isaac Rethy (*pro hac vice*)
Kavitha S. Sivashanker (*pro hac vice*)
Nihara K. Choudhri (*pro hac vice*)
Jumin Lee (*pro hac vice*)
Brooke Jarrett (*pro hac vice*)
425 Lexington Avenue
New York, NY 10017
(212) 455-2000
jyoungwood@stblaw.com
jgochman@stblaw.com
irethy@stblaw.com
kavitha.sivashanker@stblaw.com
nchoudhri@stblaw.com
christopherjumin.lee@stblaw.com
bonnie.jarrett@stblaw.com

AMERICAN CIVIL LIBERTIES UNION
OF MISSISSIPPI FOUNDATION
Joshua Tom (Miss. Bar No. 105392)
233 East Capitol Street
Jackson, MS 39201
(601) 354-3408
JTom@aclu-ms.org

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Ezekiel Edwards (*pro hac vice*)
Jeffery Robinson (*pro hac vice* forthcoming)
125 Broad Street
New York, NY 10004
(212) 549-2610
eedwards@aclu.org
jrobinson@aclu.org

Attorneys for Plaintiff

Verification

I hereby declare under penalty of perjury that the responses contained in the foregoing Supplemental Responses and Objections to Interrogatories propounded by Defendants, which were prepared with the assistance of counsel, are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Latoya Breen", is written over a horizontal line. The signature is fluid and cursive, with a distinct "L" at the beginning.